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8 transcript.

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10 certification, this real-time draft transcript is to be
11 used ONLY for the purpose of augmenting counsel's notes
12 and is not to be used or cited in any court proceeding
13 or distributed to any other parties.

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1 THE VIDEOGRAPHER: Okay, we are on the
2 record.

3 This begins the video deposition of
4 Patrick Depa in the matter of International Outdoor,
5 Inc., versus SS MITX, LLC, et al., being heard in the
6 Circuit Court of the State of Oregon -- excuse me,
7 State of Michigan for the County of Oakland. The case
8 number is 16-155472-CB, as in boy.

9 The deposition is being held at 8235
10 Northeast Airport Way, Portland, Oregon, on August
11 17th, 2019, at 2:25 p.m.

12 My name is David Pearce; I'm a Certified
13 Legal Video Specialist. The court reporter's name is
14 Tamara Aufdermauer Pearce. Will -- we both represent
15 Carroll Court Reporting and Video located at 175 Cass
16 Avenue, Mount Clemens, Michigan.

17 Counsel, will you please introduce
18 yourselves and affiliations?

19 MR. BRUETSCH: Certainly, Thomas Bruetsch
20 appearing on behalf of the Plaintiff International
21 Outdoor Inc.

22 MR. LeVASSEUR: Chris LeVasseur on behalf
23 of SS MITX.

24 MR. MCKENNEY: Stephen McKenney on behalf
25 of Lamar Advertising of Michigan, Inc.

1 THE VIDEOGRAPHER: Okay. Will the court
2 reporter please swear in the witness?

3

4

5 PATRICK DEPA,
6 having first been sworn as a witness by the Certified
7 Court Reporter, was examined and testified as follows:

7

8 MR. BRUETSCH: All right. Just for the
9 record, Mr. Oram has indicated to me that he would like
10 to make an audio recording of the deposition, so he's
11 doing that on his phone.

12

13

EXAMINATION

14 BY MR. BRUETSCH:

15 Q. Good afternoon, Mr. Depa.

16 A. Good afternoon.

17 Q. We're here today on -- in the International
18 Outdoor, Inc., vs. SS MITX, LLC, and Lamar Advertising
19 of Michigan, Inc., case. Are you aware of that?

20 A. Yes.

21 Q. And were you served with a subpoena to appear
22 here today?

23 A. Yes, I was.

24 Q. Okay. And did you review that subpoena and
25 the attachment to it?

1 A. Yes.

2 Q. Okay. Attached to that subpoena was a
3 deposition notice. Did you see that?

4 A. I believe so.

5 Q. And there was an exhibit to it with a few
6 documents that we asked you to bring today. Did you
7 see that as well?

8 A. Yes.

9 Q. Okay. Had you had seen that deposition
10 notice before?

11 A. No, I got it yesterday at 3:30.

12 Q. So none of the lawyers in the case had given
13 you that before?

14 A. No.

15 Q. Okay. Did you bring any documents with you
16 today?

17 A. No.

18 Q. Why not?

19 A. Just didn't quite have the time to put them
20 together. Like I said, I got it at 3:30 yesterday.

21 MR. LeVASSEUR: For the record, I'd like
22 to make an objection on the basis that Judge Anderson
23 was very specific about what discovery she was
24 permitting in this case, and the subpoena that you
25 served yesterday was not one of the things that she

1 allowed, so I'm objecting on that basis.

2 MR. MCKENNEY: I'll join in the
3 objection, and I'll also object to the timing I got
4 served with the subpoena at 5:30 this morning.

5 MR. BRUETSCH: Well, you got it shortly
6 after I got it.

7 BY MR. BRUETSCH:

8 Q. All right, Mr. Depa, do you have any
9 documents removed from, copied from, forwarded, or
10 otherwise taken from International Outdoor, Inc.?

11 A. Yeah, there's certain documents that I have.

12 Q. What kind of documents?

13 A. Everything is pertaining to my work there.
14 Not everything, but everything that I have pertained to
15 certain cases, certain correspondence with MDOT, maps,
16 such that I created either at home or at work.

17 Q. So work product from your time at
18 International Outdoor?

19 A. Yes.

20 Q. Do you have any records from International
21 Outdoor that were not your work product?

22 A. No.

23 Q. Okay. And why do you have those documents
24 still?

25 A. To be honest, not sure. A lot of them were

1 on there from my time working, so I did a lot of work
2 at home. Some of them I kept at possibility of using
3 as examples of my work to put in my portfolio that I
4 was using to seek out other employment.

5 Q. Are these all electronic, or do you have
6 paper records, too?

7 A. All electronic, that's all.

8 Q. And so those are on a computer that you have?

9 A. Yes.

10 Q. Have you texted any agents or employees or
11 contractors of International Outdoor since May 1st of
12 this year?

13 A. Yes.

14 Q. Who?

15 A. Jeff Sieving, Joe.

16 Q. Does Joe have a last name?

17 A. I don't know his last name off the top of my
18 head.

19 Q. Okay.

20 A. That's it.

21 Q. So since May 1st, 2019, the only employees or
22 contractors of International Outdoor you remember
23 texting are Jeff Sieving and Joe?

24 A. Yes.

25 Q. Okay. What about emails?

1 A. No emails.

2 Q. What about phone calls?

3 A. No phone calls.

4 Q. What about former employees or former
5 contractors of International Outdoor, any texts with
6 any of those people since May 1st?

7 A. Probably just maybe Alan White.

8 Q. Anybody else?

9 A. Merna. I don't know her last name.

10 Q. Is Merna the receptionist at International
11 Outdoor?

12 A. She was, she was. She's a former.

13 Q. Okay. Anybody else?

14 A. Steve Shaya called me, and we had no emails.
15 He texted me one day to see if he could call me and I
16 just texted back to say, "No, I'm working." So it was
17 the only one text, but had two -- two conversations
18 with him on the phone.

19 Q. Since May 1st of this year, have you had any
20 communications, I mean that broadly, text messages,
21 emails, phone conversations, letters, whatever, with
22 any person employed by or representing Lamar
23 Advertising of Michigan?

24 A. No.

25 Q. What about same questions about SS MITX, dba

1 Simply Self Storage?

2 A. Yes, with Mr. LeVasseur.

3 Q. When's the first time you had a communication
4 with Mr. LeVasseur?

5 A. I think it was early May.

6 Q. What form did that communication take?
7 Email? Text? Call?

8 A. I think the original outreach was an email,
9 got a response, and then called.

10 Q. So you emailed him?

11 A. Yes.

12 Q. How did you know his email address?

13 A. It was on a legal judgment of -- between
14 International Outdoor and Simply Self Storage and
15 Lamar.

16 Q. How did you happen to have that?

17 A. I had it before I left.

18 Q. This was something that was on your computer
19 as well?

20 A. No, no.

21 Q. No?

22 A. Well, no, it is on my computer, yeah. I
23 think it must have got scanned in because it's kind of
24 crooked.

25 Q. Do you have any other papers from the

1 International Outdoor/Lamar/Simply Storage lawsuit?

2 A. Just what was emailed to me at some point in
3 our conversations in either June or July.

4 Q. June or July of 2016?

5 A. No, 2000 --

6 Q. 2000 --

7 A. -- 19.

8 Q. -- 19?

9 A. Yeah, this year.

10 Q. So things were emailed to you in June or July
11 of this year, pleadings in the case, papers in the
12 case?

13 A. I think it was leading up to a hearing or
14 something, and I don't know if I was intentionally
15 supposed to get it or if it was -- I was just on the
16 email string or --

17 Q. And who sent those to you?

18 A. Chris.

19 Q. Mr. LeVasseur?

20 A. Yes.

21 Q. And why did you reach out to Mr. LeVasseur in
22 May of this years?

23 A. To relay to him what I knew about the case
24 and that I had something to offer.

25 Q. Is any attorney representing you in this

1 matter?

2 A. No.

3 Q. Okay, so that was in May of 2019. If memory
4 serves, the judgment in this case was a full year
5 earlier, about a full year earlier, in June of 2018.
6 Is that your understanding?

7 A. Yes.

8 Q. Okay. So what caused you to reach out a year
9 later to Mr. LeVasseur?

10 A. Actually tried earlier, but -- with no
11 response, but it was basically just weighing on my
12 mind, what I saw, what was going on, and when I got a
13 text from Jeff Sieving that the case was still, I
14 guess, being appealed but they were going after legal
15 fees, that's when I decided to reach out.

16 Q. Okay, you said you tried to reach out
17 earlier. When was that?

18 A. Back in September and February.

19 Q. September of 2018?

20 A. Yes.

21 Q. And February of 2019?

22 A. Yes.

23 Q. Were those also emails to Mr. LeVasseur?

24 A. Letters.

25 Q. Letters that you mailed?

1 A. Yes.

2 Q. And did you mail them to the address that was
3 on the pleading material?

4 A. Yes.

5 Q. Do you have copies of those letters?

6 A. Yes.

7 Q. But there was no response to those letters?

8 A. No. They were sent anonymously, though.

9 Q. And then you emailed Mr. LeVasseur in May of
10 this year and he responded by email?

11 A. Yes.

12 Q. Okay. What -- what did you put in the first
13 letter you sent? What was the content of that?

14 A. It was "aware that you're in a legal battle
15 with International Outdoor," and I believe I said it
16 was on appeal, but there are people that worked for him
17 that know certain details about the case, and that if
18 they want to reach out and find out, they should.

19 Q. But you sent it anonymously?

20 A. Yes.

21 Q. So did you give him any information on how
22 they could reach out or should reach out?

23 A. Just names, just my name.

24 Q. But your name was in the letter?

25 A. Mm-hm.

1 Q. Any other names in the letter?

2 A. Alan White.

3 Q. Any others?

4 A. Nope.

5 Q. What about the second letter?

6 A. Same thing.

7 Q. And you said you had copies of these two
8 letters, right?

9 A. Yes, I do.

10 Q. And then what did you say in the email to
11 Mr. LeVasseur in May?

12 A. Something similar to that, that I was aware
13 of the case, I used to work for International Outdoor,
14 if he's got time to talk, give me a time and I'll give
15 him a call.

16 Q. Okay. And when did you get this text from
17 Mr. Sieving that kind of sparked your efforts?

18 A. Before I reached out.

19 Q. Before the first letter?

20 A. No, earlier this year, maybe April.

21 Q. Okay. So you sent the first letter before
22 you had gotten this text from Mr. Sieving?

23 A. Yes.

24 Q. All right. And what made you do that?

25 A. Still -- just recently left IO, something

1 that was just on my conscience, it was kind of weighing
2 on me, keeping me up.

3 Q. And when did you leave International Outdoor?

4 A. End of June -- or end of July, I'm sorry.

5 Q. Maybe even early August?

6 A. No, I don't think so. I think I was already
7 on the road. Had to get out of my apartment.

8 Q. And so you mentioned an email from
9 Mr. LeVasseur and a phone call. Was his first response
10 to you an email? A phone call? Something else?

11 A. His first response to me was an email.

12 Q. All right. And what did he say?

13 A. I think he said he's available tomorrow at
14 two o'clock or something, he's available tomorrow.

15 Q. Okay.

16 A. He gave me a time, I believe.

17 Q. So the next communication with Mr. LeVasseur,
18 was that the next day on a phone call?

19 A. Yes.

20 Q. All right. Tell me what was said on that
21 phone call.

22 A. I just told him that I was aware of the --
23 the case and I know it hinged on the renewal letter,
24 and I told him the renewal letter was fabricated.

25 Q. Give me as close to your exact words as

1 possible --

2 A. I --

3 Q. -- unless you just did.

4 A. I believe that was -- that was close as I can
5 remember it.

6 Q. Did you tell him how you knew it was
7 fabricated?

8 A. Yes.

9 Q. Okay, what did you say?

10 A. I said I saw him create it.

11 Q. Did you tell him when he created it?

12 A. I don't know why -- I can't remember exactly
13 that phone -- that whole conversation.

14 Q. Okay. What else do you remember about it?

15 A. I told him that he fabricated it, I saw him
16 do it, he used it, I know he used it in the case. I
17 was kind of surprised he didn't reach out to me since I
18 was an employee in the real estate department.

19 Q. You were surprised that Mr. LeVasseur didn't
20 reach out to you?

21 A. Yeah, either one, Lamar or Simply Storage,
22 and then got some details about the case, that it
23 all -- it did all hinge on that letter, and that -- I
24 don't know, I can't remember everything that was said,
25 but.

1 Q. Okay. And when was the next communication?

2 A. I think it was about a week later.

3 Q. And what form did that take?

4 A. That was an email with an affidavit or an
5 explanation of getting some facts, and then he was
6 going to write it into an affidavit.

7 Q. Okay. I'm not sure I quite understood your
8 answer, so let me parse it a little bit.

9 The commun -- next communication after your
10 original phone call with Mr. LeVasseur, you got an
11 email back from him that had, what, text or a summary
12 of your conversation?

13 A. I don't know if it -- if it did. I just know
14 we started talking about putting -- putting it down in
15 an affidavit and I was saying yes, and he said he was
16 going to send me a rough draft and to look it over and
17 I did and I made some corrections and then I sent it
18 back.

19 Q. How many drafts were there?

20 A. I believe it was just the one.

21 Q. Okay. And what kind of corrections did you
22 make?

23 A. I couldn't remember exactly what they were.

24 Q. Were they extensive?

25 A. No, no.

1 Q. Were you just editing or did you make --

2 A. Yeah, I think it was just editing.

3 Q. What about content corrections?

4 A. I can't remember exactly what it was, but it
5 was minor stuff.

6 Q. Okay.

7 A. I think for the most part it was 90 percent
8 there.

9 Q. Do you still have that rough draft?

10 A. I think it's part of an email I have, yes.

11 Q. Okay. And so eventually that turned into the
12 May 30th affidavit that you signed?

13 A. Yes.

14 Q. Okay, we'll come back to that.

15 What other communications have you had with
16 Mr. LeVasseur?

17 A. More emails, basically where is the -- you
18 know, what was going on with the case, he was -- he
19 gave me an update that she was willing to hear what I
20 had to say or she -- the judge put the -- put some --
21 put it on hold until they could hear from -- from me.

22 Q. What else?

23 A. Just various different motions that whenever
24 they were going up in front of the -- the judge for
25 something, he would text -- or I would text him or

1 email him, like what happened, and he would give me a
2 little update.

3 Q. Did he actually send you the motion papers?

4 A. No.

5 Q. Have you seen any of the other papers in the
6 case since May?

7 A. No, nothing.

8 Q. What did you look at today?

9 A. I looked at -- I didn't look at anything
10 today, just the subpoena that I got.

11 Q. And all your communications were with
12 Mr. LeVasseur?

13 A. Yes.

14 Q. Why did you choose to reach out to them and
15 not somebody from Lamar?

16 A. I don't know, just Simply Storage was at the
17 top of the list, I guess.

18 Q. Did you talk to any of Lamar's attorneys
19 before today?

20 A. No, never had any conversation with Lamar
21 attorneys.

22 Q. You did today, right?

23 A. Yes.

24 Q. All right, and with respect to Mr. Shaya, I
25 think you identified two phone calls, right?

1 A. Yes.

2 Q. And were there texts as well? I think you
3 said there were.

4 A. There was one. Like I said, he just texted
5 me if I could talk and I said no.

6 Q. Okay. And are you receiving any compensation
7 for any of your help in this case?

8 A. No.

9 Q. Who is paying for your plane ticket to
10 Detroit?

11 A. I paid for it.

12 Q. Are you getting reimbursed?

13 A. I haven't discussed that.

14 Q. Okay. What about your accommodations?

15 A. I'm staying with family.

16 Q. Are you expecting to get reimbursed for your
17 plane ticket?

18 A. It would be nice to, yes.

19 Q. Have you ever been deposed before?

20 A. Yes.

21 Q. How many times?

22 A. Maybe twice.

23 Q. And in what context were you deposed
24 previously?

25 A. City of Troy lawsuit.

1 Q. What else?

2 A. I can't remember if there was another one in
3 there, if it was Madison Heights or some other place.

4 Q. What about Taylor?

5 A. Taylor, no.

6 Q. You weren't deposed in the case with the City
7 of Taylor?

8 A. No.

9 Q. No?

10 A. Hm-mm.

11 Q. And how did you prepare for the deposition
12 today?

13 A. Just met these two gentlemen this morning,
14 went over some of the things that I said on the
15 affidavit.

16 Q. What else?

17 A. That's really about it.

18 Q. Okay. Did you talk with them at all or did
19 they talk with you at all about how to answer certain
20 types of questions?

21 A. No.

22 Q. And did they show you any documents at all
23 today?

24 A. No.

25 Q. How long did you spend with them?

1 A. Hour-and-a-half.

2 Q. And that was here at the hotel, right?

3 A. Yes.

4 Q. Did they talk to you about any of the
5 pleadings that have been filed in the case?

6 A. I think just since May 1st.

7 Q. Like -- like what?

8 A. I think to put the judgment aside -- put the
9 judgment aside.

10 Q. I'm sorry, what?

11 A. Put the judgment aside motion.

12 Q. Okay, what did they say about that?

13 A. There was -- there was an email that said
14 yeah, we -- there was one that said "We won in court
15 and she's willing to hear what you have to say,"
16 something to that extent. It was a really short email.

17 Q. Did they talk to you at all about any of the
18 holes or problems or counterattacks that International
19 Outdoor had made in court on your affidavit?

20 MR. MCKENNEY: I'll object to the form of
21 the question.

22 BY MR. BRUETSCH:

23 Q. You can go ahead and answer.

24 A. They said that there was a discrepancy with
25 my recollection of Jim Faycurry's time of employment.

1 Q. They mentioned that International Outdoor
2 attorneys had pointed out that Mr. Faycurry hadn't --
3 wasn't an agent of International Outdoor at the time
4 you indicated that he made some statements; is that --

5 A. And I -- and I -- when it was brought to my
6 attention and I recalled more, I totally agreed, that
7 was a misrecollection.

8 Q. Okay. So at least in that case your sworn
9 affidavit is inaccurate; is that right?

10 A. For his time of employment, yeah, but knowing
11 of him and what he was involved with in putting
12 billboards up in Auburn Hills, no, there was -- he was
13 working there, we saw his name on documents, I knew of
14 him, I met him. We were -- you know, we had each
15 other's, you know, phone numbers. I knew he worked for
16 Adams.

17 Q. I should have asked this at the beginning.
18 Do you have any health, medication, any other issues
19 that can interfere with your memory or testimony today?

20 A. No.

21 Q. You mentioned an employee Joe. Is that -- I
22 might pronounce the name wrong but Joe Cimino, does
23 that refresh your recollection?

24 A. Yeah.

25 Q. C I M I N O?

1 A. Yeah, Joe.

2 Q. That's the person you're talking about?

3 A. Yes.

4 Q. Have you talked to Mr. Faycurry at all
5 about --

6 A. Yes.

7 Q. Sorry, let me finish the question.

8 A. Mm-hm.

9 Q. Have you talked to Mr. Faycurry at all about
10 your allegations that this renewal letter was
11 fabricated?

12 A. Yeah, Jim called me a month ago or three
13 weeks ago or something, and asked me what I was doing,
14 why I was doing it, and I explained. And he said that
15 Randy wanted him to sign a document that said I was
16 racist towards Arabs or something and he said he wasn't
17 going to do it.

18 Q. Have you specifically talked to Mr. Faycurry,
19 however, about the alleged fabrication of this renewal
20 letter ever?

21 A. Not in detail, no.

22 Q. What have you said to him?

23 A. Well, when he called, I -- and asked me why
24 I'm doing it I told him, and that was kind of it, and
25 we talked about other things. He had said that Randy's

1 bringing him in to write an affidavit that I'm racist
2 against Arabs, and it was kind of on that. It was --
3 and I was like, "Well, you know I'm not," and he's
4 like, "No, I'm not going to do it," and I'm like,
5 "Good."

6 Q. And when you said you told him, what did you
7 tell him about the renewal letter?

8 A. So just what I have been telling you, that I
9 saw him fabricate it and he's used it, and I don't even
10 know if I went beyond that.

11 Q. And we know you discussed it with or you say
12 you discussed wit Mr. Sieving because that's in the
13 affidavit, right?

14 A. Yes.

15 Q. Anybody else, not -- that we haven't covered
16 here today? Could be anybody, I'm not limiting this
17 question to International Outdoor people, Lamar people,
18 Simply Storage people. Have you discussed the alleged
19 fabrication with anybody else?

20 A. Alan White.

21 Q. When did you discuss it with Mr. White?

22 A. 2018, when -- I think it was even during the
23 court, when the case was in front of the court
24 originally.

25 Q. And where was that?

1 A. Phone call.

2 Q. So you were still employed by
3 International -- or you were still an agent of
4 International Outdoor at the time, right?

5 A. Yes.

6 Q. And how did you happen to have Mr. White on
7 the phone?

8 A. We're friends; we talk.

9 Q. Okay. And what did you say to Mr. White
10 about the renewal letter?

11 A. That Randy fabricated it, I saw him do it,
12 and his response was it doesn't surprise him.

13 Q. Anybody else that you told about it?

14 A. Nope, not that I can think of.

15 Q. All right, let's go over some basics.

16 (EXHIBIT marked: Exhibit 1.)

17 BY MR. BRUETSCH:

18 Q. Mr. Depa, I'm just going to go through some
19 background first, and maybe Exhibit 1 will help us and
20 maybe it won't, but I've handed you what we've marked
21 as Exhibit 1.

22 Is that a copy of your current LinkedIn page?

23 A. I don't know; I haven't been on LinkedIn in
24 forever.

25 Q. Okay. I mean it's -- the print date of it is

1 June 15th of this year. Just looking at your
2 experience, you know, I note that it's still got your
3 current employment listed as International Outdoor,
4 Inc., and private consulting. Obviously that part's
5 wrong and it hasn't been updated yet, right?

6 A. I haven't been on LinkedIn for years.

7 Q. Okay. But on the next page it talks about
8 past employment, City of Inkster, City of Taylor and
9 your education and experience -- or educational
10 background. Are those all accurate? Are the dates
11 accurate?

12 A. Yeah.

13 Q. Okay. So --

14 A. Might be a little discrepancy with the City
15 of Inkster. I can't -- I don't -- City of Inkster I
16 think only went to like November of 2009. I think I
17 just did that to fill the gap.

18 Q. You extended your employment a little bit to
19 fill the gap?

20 A. Well, actually, yeah, even on International
21 Outdoor I didn't start until I think it was September,
22 maybe August when I first visited, but it wasn't in
23 February.

24 Q. Okay. So why is February down here?

25 A. Because there was a time I was unemployed, it

1 was just filling in the gap in between.

2 Q. Okay. Because a lot of times look at the
3 LinkedIn pages of people. Are you aware of that?

4 MR. MCKENNEY: Object to the form of the
5 question, objection, lacks foundation.

6 BY MR. BRUETSCH:

7 Q. You can answer.

8 A. I have no idea what your question was.

9 Q. Are you aware that employers go and look at
10 potential job candidates' LinkedIn pages on occasion?

11 MR. MCKENNEY: Same objections.

12 A. Aware? I mean I assume they do from time to
13 time, but I'm not sure if they all do.

14 BY MR. BRUETSCH:

15 Q. Sure.

16 A. Or whatever social media they -- they look
17 at.

18 Q. Okay. And you wanted to make sure there
19 weren't gaps in your employment history? Is that
20 right?

21 A. Didn't I answer that? Yeah.

22 Q. Okay. So you graduated from Eastern Michigan
23 University in 2000 and -- and pretty much right away
24 went to work at the City of Taylor?

25 A. Yes.

1 Q. Okay. And was your employment in the City of
2 Taylor continuous from 2000 to November of 2007?

3 A. Yes.

4 Q. Okay. And why did your employment terminate
5 with the City of Taylor?

6 A. You're going to have to ask them.

7 Q. Okay. So it was involuntary?

8 A. It was involuntary.

9 Q. Okay. What were you told?

10 A. I was told they were downsizing.

11 Q. Was there any particular event that
12 anyone explained -- from the City of Taylor explained
13 to you as to why you were being downsized?

14 A. No.

15 Q. Okay. And so were at the City -- went then
16 to the City of Inkster in February of 2008?

17 A. Yes.

18 Q. Okay. And it was November of 2009 that you
19 left City of Inkster; is that right?

20 A. November, yes.

21 Q. Okay. And why did you terminate or why was
22 your employment terminated from Inkster?

23 A. I left there.

24 Q. Voluntarily?

25 A. Yes.

1 Q. Okay, you didn't have another job lined up at
2 the time, though, right?

3 A. I did, yeah. So there -- the thing that's
4 missing here is then my two months going back to
5 Taylor.

6 Q. Okay.

7 A. Yes.

8 Q. So you went right back to work at the City of
9 Taylor?

10 A. Yes.

11 Q. And when did you leave the City of Taylor?

12 A. February.

13 Q. Okay. And why did you leave the City of
14 Taylor the second time?

15 A. I quit, but I'd rather not get into detail of
16 that.

17 Q. Was -- this was a voluntary quit?

18 A. Yes.

19 Q. Okay, but at that time you did not have
20 another job lined up?

21 A. No.

22 Q. Did you do other work for other clients while
23 you were at International Outdoor?

24 A. No.

25 Q. When it says you were a private consultant,

1 were you doing any private consulting?

2 A. No.

3 Q. Okay. So why did you put you were a private
4 consultant?

5 A. Because that's what Randy had us as
6 employees. We were consultants. We were 1099s even
7 though we were actual employees.

8 Q. You were an actual employee, but you were a
9 1099?

10 A. He had us under a 1099 so that we could be
11 contractors so he wouldn't have to pay payroll tax or
12 whatever his reasons were. I thought it was odd; I was
13 never a 1099 before, so -- but as far as being an
14 employee, we certainly worked as employees every day.

15 Q. Didn't you want to be a 1099 for tax reasons?

16 A. No. I never even knew what a 1099 was. I
17 was actually afraid of having to come up with
18 everything and pay a big chunk of change at the end of
19 the year. I would rather -- I would have rather had
20 my -- everything taken out of my paycheck.

21 Q. While you were at the City of Taylor you were
22 involved in a lawsuit, right?

23 A. No, not that I recall.

24 Q. You don't recall being sued?

25 A. No.

1 Q. Let me see if I can refresh your
2 recollection. Do you recall the Key West Coney?

3 THE REPORTER: The Key West what?

4 MR. BRUETSCH: Coney, C O N E Y.

5 THE REPORTER: Thank you.

6 MR. BRUETSCH: I forgot, you guys
7 probably don't have coneys out here.

8 BY MR. BRUETSCH:

9 Q. Do you remember the Key West Coney, Mr. Depa?

10 A. I do, I do.

11 Q. And Gerald and Geraldine Vaughn?

12 A. I think I remember his name as being Gerry.

13 Q. Okay. Didn't they sue you?

14 A. I don't -- I don't think so. If they did, it
15 wasn't -- I didn't never get a lawyer or anything.

16 Q. Did Mr. Vaughn allege that you kind of
17 pitched a contractor on them of, a Mr. Lamarand, who
18 was the brother of the mayor of Taylor?

19 A. I don't -- I don't remember. I don't recall.

20 Q. Didn't Mr. Vaughn say that you demanded to
21 get free oil changes from his other business?

22 A. I'm aware that he may have said that, but I
23 never -- I never demanded that.

24 Q. Gary Lamarand, the mayor's -- the mayor of
25 Taylor's brother, was one of your friends, right?

1 A. Yes.

2 Q. And you don't remember Mr. Vaughn saying that
3 once he fired Gary Lamarand from -- the contractor on
4 the job, your cooperation on his construction project
5 stopped?

6 A. I don't believe that.

7 Q. Well, I didn't ask if you believed it; I
8 asked if it happened. Did he make that allegation?

9 A. I -- I don't recall.

10 Q. Did you ever see a complaint that listed you
11 as a defendant in the case?

12 A. Again, I can't remember.

13 Q. Ever seen an affidavit from Mr. Vaughn?

14 A. Not that I remember.

15 Q. Do you remember going to any hearings in
16 front of Judge Drain?

17 A. No. Re -- refresh my memory. What year?
18 What time? What date?

19 Q. Well, I'll give you a few more facts to see
20 what you remember.

21 Did you ever meet any attorneys by the name
22 of Randall PentiuK, P E N T I U K, or Kerry Morgan or
23 Kelly Marsh Casper?

24 A. Are they out of Wyandotte?

25 Q. I don't know if their out of Wyandotte or

1 not. Their listed as your lawyer.

2 A. Yeah, they might -- yeah, there was, yeah. I
3 don't know if I ever got deposed for that. I got -- I
4 don't think it ever got to that point. I got spoke to
5 a couple of times by a lawyer, but it never went
6 anywhere, never went into court, I don't remember ever
7 being deposed.

8 Q. Okay. Do you remember a newspaper article
9 coming out about it?

10 A. No.

11 Q. I mean, if your local paper published an
12 article that indicated that you were steering business
13 for a contractor who was the mayor's brother, wouldn't
14 you have remembered that?

15 MR. MCKENNEY: Object to the form of the
16 question.

17 A. Couldn't say, but I don't -- I don't remember
18 that at all. I don't read the paper.

19 BY MR. BRUETSCH:

20 Q. You don't remember anybody commenting to you
21 about it?

22 A. Nope.

23 Q. I mean I don't mean to the hide the ball.
24 I'll show you the article, maybe it will refresh your
25 recollection.

1 MR. BRUETSCH: This is one of the crazy
2 ones, this is 1B. We're going to mark that as 1B.

3 (EXHIBIT marked: Exhibit 1B.)

4 BY MR. BRUETSCH:

5 Q. So, Mr. Depa, we've handed you Exhibit 1B,
6 which is this is a copy of an article from the
7 newsherald.com titled Taylor: Former mayors, city
8 dismissed from lawsuit. You can take a second and page
9 through it if you want.

10 A. I don't need to; I never saw this.

11 Q. Okay. Well, let me see if any of the content
12 refreshes your recollection. Right at the bottom of
13 that first page, the very last line says, "Depa is now
14 the only person named in the suit." Does that refresh
15 your recollection about whether you were sued or not?

16 A. Yeah, boy, I -- you know, I don't know, eight
17 years ago, I remember meeting with a couple of
18 attorneys, but to put it into context, I really
19 couldn't -- couldn't do it. I don't think I got
20 deposed.

21 Q. Well, turn over to the next page. So right
22 at the top of that page there's a quote from the lawyer
23 James Wines. Do you remember Mr. Wines at all?

24 A. James Wines of Ann Arbor? No, I don't.

25 Q. References -- references -- references the

1 Vaughns' attorney?

2 A. No, I don't remember him.

3 Q. Mr. Wines says, "I'm going to amend the
4 complaint as the Depa and move forward with depositions
5 and discovery and so forth," but you don't remember
6 being deposed?

7 A. I don't. I remember I spoke to a lawyer a
8 couple of times, once in Wyandotte, I think he met me
9 once at a Panera Bread in Farmington Hills, but I think
10 it was done, they weren't going to need me or I wasn't
11 involved. And I disagree with the allegation, too, so.
12 It's totally untrue, and there's no proof.

13 MR. BRUETSCH: This is going to be 3.

14 (EXHIBIT marked: Exhibit 3.)

15 BY MR. BRUETSCH:

16 Q. So Mr. Depa we've handed you Exhibit 3, which
17 is entitled Employment Application. We did black out
18 your social security number on this one, that's what
19 the blackout is.

20 Do you recall filling out an employment
21 application with International Outdoor?

22 A. Yes.

23 Q. And that would have been -- it's dated
24 9-15-2010. Do you have any reason to believe that's
25 inaccurate?

1 A. No, that's about right.

2 Q. Okay. Is the information in this employment
3 application accurate?

4 A. Yes.

5 Q. You didn't put any reasons for leaving for
6 any of your jobs. Why was that?

7 A. Couldn't tell you. I don't know. Maybe I
8 already started working for Randy and this was just a
9 formality. I can't even remember, it was so informal
10 when we met.

11 Q. All right, and here you've got working at
12 City of Inkster from January of 2008 until December of
13 2009. So if we go back to Exhibit 1 where you've put
14 February of 2008 to January of 2010, the application is
15 the one that's accurate, right?

16 A. For City of Inkster?

17 Q. Right.

18 A. Yeah, that looks right.

19 Q. When you first started at International
20 Outdoor, what were your responsibilities?

21 A. Procure leases for new billboards.

22 Q. Okay. So as I understand it, obviously if
23 you're going to put a billboard up, you've got to have
24 a place to put the billboard, right?

25 A. Correct.

1 Q. And so it was your job to go out and find
2 places to put the billboards and secure the rights to
3 put the billboards up?

4 A. Correct.

5 Q. Anything else, responsibility-wise?

6 A. Act as project manager, liaison with
7 contractors, line them up.

8 Q. That's actually in the construction of
9 billboard?

10 A. Yes.

11 Q. Okay.

12 A. Pulling permits, submitting for permits,
13 doing engineering drawings, contracting with the
14 electrical, our installers, submit the proper
15 applications for permits from MDOT.

16 Q. And did your responsibilities change at all
17 between the time you started in 2010 and the time you
18 left in I believe you said July of 2018?

19 A. No. I mean, that was pretty much everything
20 I was doing almost the whole time.

21 Q. Okay. Were there any other individuals who
22 had the same or similar position as you at
23 International Outdoor?

24 A. I would say Alan White.

25 Q. Okay, are you --

1 A. Jim Faycurry, and I don't know if Steve Shaya
2 was doing exactly what I was doing or doing something
3 else, but yeah, I would say me, Alan, and Jim Faycurry
4 were probably the three. There was -- there was other
5 people in and out, but I don't know if I can remember
6 all their names of people who were -- they were there a
7 very short time.

8 Q. Okay, were you part of any particular
9 department? Did the department have a name? Was there
10 a department?

11 A. Unofficially called it real estate
12 department.

13 Q. Okay. And as part of the kind of management
14 oversight of your position, you would have regular
15 meetings with Mr. Oram; is that right?

16 A. Correct.

17 Q. How frequently would those occur?

18 A. I mean, we -- we had access to him all the
19 time. We talked to him all the time, every day,
20 multiple times a day.

21 Q. And you would put together periodic project
22 plans and goals reports, right?

23 A. Yeah, but those were just -- those were
24 loose, I mean they weren't all-encompassing, they were
25 basically bullet points, talk points, but there was

1 always all kinds of other stuff that was going on.

2 Q. Okay. And so you -- but you would go over
3 these project plans, goals lists, with Mr. Oram, right?

4 A. Yeah, he asked us to put together some goals
5 or we worked on them together.

6 Q. Okay. And would you meet frequently with
7 Mr. Oram and go over all the projects on your list,
8 things that you were doing?

9 A. Not really. We would just kind of keep him
10 updated as we were going along, what we were working
11 on. I mean some things that were on maybe the goal
12 list, we didn't, like, hit the ground running on them,
13 they were just a goal sometimes to look at during the
14 year or -- so, I mean, not everything on those lists
15 was being worked on at every -- you know, all at once.
16 And there was priorities, and Randy set the priorities.

17 Q. So how much direction were you getting from
18 Mr. Oram? I mean, were you essentially, you know,
19 doing your job with minimal supervision or on the -- on
20 one end of the continuum, versus he's micromanaging
21 everything, or where did it fall?

22 A. I mean, we had a lot of autonomy. But, I
23 mean, if there was anything of news or updates, Randy
24 knew where we were. There was nothing that probably
25 lagged, you know, weeks behind what was going on as

1 things were happening and, you know, things had dates
2 that we had to get stuff prepared for. It was just
3 walk in and tell Randy, "Hey, this -- this is what I
4 did today, this is what I'm doing, I got to meet this
5 person tomorrow, this is what I'm getting put together
6 for next week." Yeah, it was just ongoing.

7 Q. Okay. And at your -- at the International
8 Outdoor location, you sat in the office in a cubicle,
9 right?

10 A. Correct.

11 Q. And Mr. Oram had an office kind of at one end
12 of the cubicle hallway. Is that right?

13 A. Yes.

14 Q. Okay.

15 A. Yeah.

16 Q. And you would go down to his office if you
17 needed to talk to him, pretty much an open-door policy,
18 right?

19 A. Correct.

20 Q. And he had what, two chairs in front of his
21 desk?

22 A. Yes.

23 Q. Okay. But you know he's a little hard of
24 hearing in the left ear, right?

25 A. Yes.

1 Q. So you'd usually sit in the chair close to
2 the window?

3 A. Did I sit in the chair close to the window?

4 Q. Yeah, to get on -- get on his right side?

5 A. No, I don't think I ever even thought about
6 it.

7 Q. Okay.

8 A. I mean, I knew he -- I knew he had that, but
9 I didn't -- I didn't consciously pick a chair.

10 Q. Okay. Was there one chair or the other that
11 you typically sat in?

12 A. No, I don't think so.

13 Q. I mean, other people have told me that they
14 knew Mr. Oram had a little difficulty hearing out of
15 one ear so they would usually sit in the chair so they
16 could talk to him out of the other, but that doesn't
17 ring a bell to you?

18 A. It's not that it doesn't ring a bell, I
19 didn't -- I didn't do it. I mean I knew he had a hard
20 of hearing, but I didn't pick a chair to sit at or
21 even -- I would just -- when he would do this, I would
22 raise my voice.

23 Q. Okay.

24 A. I would restate what I was telling him, so.

25 Q. Now, you weren't -- the Simply Storage lease

1 in Auburn Hills, that wasn't one of your projects,
2 right? That was Alan White's?

3 A. Alan White procured the lease, yes.

4 Q. Right. You didn't really start working on
5 that project until after the litigation was over,
6 right?

7 A. Which litigation?

8 Q. The Simply Storage/Lamar/International
9 Outdoor litigation that we're here about today.

10 A. No, I mean, Auburn Hills got brought up a
11 lot, that location got brought up a lot in our weekly
12 or biweekly meetings.

13 Q. But in terms of actually working on it and
14 pulling permits, dealing with local officials --

15 A. There was no --

16 Q. -- all of those kinds of things?

17 A. No, nobody did anything.

18 Q. Well, you did after the litigation, right?

19 A. Working on it?

20 Q. Yeah.

21 A. Yes, yeah, I was told to.

22 Q. But you didn't have contact with Simply
23 Storage or local officials or anything like that on the
24 project before that litigation, before the jury came
25 back with its verdict, right?

1 A. I don't think I've talked to anybody from --
2 from Simply Storage, ever, on that site. I was asked
3 to send a -- a letter to corporate. I was actually
4 trying -- I was supposed to try to find the person that
5 Alan had contact with, Alan White, but he was
6 unavailable. He was ill; he wasn't returning phone
7 calls.

8 There was an extensive search for the lea --
9 for a renewal letter, which was never located. It was
10 told to us that Alan did it and it was on his computer,
11 or any of the computers. We looked everywhere; we
12 looked in all the files, never came up.

13 And then I was asked to -- well, since I
14 couldn't get ahold of Alan to find out his contact, I
15 was asked to write a letter to corporate and ask -- in
16 a form of, you know, "This lapsed and we want to renew
17 it." It never got a response.

18 Q. All right, let me talk through a few of the
19 things you said.

20 First of all, Alan White got ill. So Alan
21 was pretty seriously ill for awhile, right?

22 A. Yes.

23 Q. And he went off to deal with his -- he
24 stopped working at the company for awhile to deal with
25 his health issues, right?

1 A. Yes.

2 Q. And while he was out, he was unavailable to
3 be reached, right?

4 A. Yeah, we didn't -- I don't think I heard from
5 him for six months.

6 Q. Okay. And one of the other things you said
7 was there was an extensive search for a renewal letter.
8 Who participated in that search?

9 A. Me and Jeff particularly, but I assume Randy
10 did, too.

11 Q. Well, did you see Randy do it?

12 A. Well, it was on high alert. We were all
13 looking for something.

14 Q. So was it Randy that directed you and Jeff to
15 do the search?

16 A. Yes.

17 Q. And were you present when he directed Jeff to
18 do this search?

19 A. No, I don't -- well, I can't recall, but I
20 know Jeff was involved because Jeff came up to me a
21 couple of different times saying, "I've looked
22 everywhere, I can't get ahold of Al, and what -- what
23 can we do?" And I said, "We can only do what we do, we
24 can only look for it, and if we don't find it, we don't
25 find it."

1 Q. Okay. And Jeff is Mr. Sieving?

2 A. Jeff is Mr. Sieving, yes.

3 Q. I just want to make sure. And he's the
4 in-house lawyer for International Outdoor; is that
5 right?

6 A. I think he's a contract like I was.

7 Q. Okay. So the search, I think you described
8 it in your affidavit of a search of all servers, all
9 computers, and all files in the company. Is that
10 right?

11 A. We looked at my computer, Alan's computer; we
12 went downstairs and looked for something, but
13 nothing -- I had nothing -- we never actually plugged
14 anything in, looked through every file, I could say, in
15 these file cabinets that we kept all of our billboard
16 leases, either existing sites or possible future sites,
17 because in case it was misfiled, and it wasn't.

18 And the fact that we couldn't get Alan on the
19 phone to see if he had anything on his laptop, because
20 he -- he worked both on a laptop and a desktop, we were
21 kind of at a standstill.

22 Q. Okay. So there were two of you involved that
23 you know of, maybe Mr. Oram as well, in the search, and
24 you looked at every file, every server, every computer.
25 How long did it take to search?

1 A. It took the better part of a -- you know, of
2 a day, probably, off and on, looking -- looking for
3 stuff. And then -- when we were done, told him we
4 couldn't find anything, he'd be like, "Look again," so
5 we kind of did a deeper look and still nothing came up.

6 Q. Was that the same day or was that a different
7 day?

8 A. It was a different day, with Jeff saying, "I
9 don't know what to do, I looked, he must -- you know,
10 what does he want us to do?" And I told him, "I've
11 looked everywhere possible -- possibly that it would
12 possibly be, and it's not there."

13 And again, assuming that Randy is looking at
14 the server, because he is one that was really pushing
15 us that it existed, that Alan White drew -- must have
16 drawn up this letter, you know, or hopefully he did and
17 let's find it.

18 Q. Okay. So you -- so you didn't look at the
19 server?

20 A. I don't have access to look at the server.

21 Q. Okay. And did you see Mr. Sieving look at
22 the server?

23 A. No, but why wouldn't Randy, the owner that
24 was directing the search?

25 Q. You said in your affidavit that "we looked at

1 every file, every server, and every computer," but you
2 don't know that anyone looked at a server, you just
3 assumed?

4 A. I just assumed Randy did, yeah. Well, we --

5 Q. Okay. How many --

6 A. Well, we --

7 Q. -- how many assumptions are in your
8 affidavit?

9 A. Well, there's a -- well, let me go back.

10 So the assumption is that we have a drive on
11 the server, so yes, I did look at the server --

12 Q. How did you do that?

13 A. -- and I don't know how many servers he has.
14 Pardon?

15 Q. How did you do that?

16 A. There is a drive that everything is kept on
17 a -- on the server, so yes, we did look at the server.

18 Q. How did you do that?

19 A. Accessed it through my desktop.

20 Q. Okay. And what did you accessed the server?

21 A. Any -- any files that dealt with Auburn
22 Hills, Simply Storage.

23 Q. How did you know where to look for those?

24 A. In our general files we have on all the
25 sites, differing locations, addresses, folders that say

1 Al -- what Alan was doing, you know, Alan's specific
2 work.

3 Q. How many files are we talking about?

4 A. I couldn't tell you. Lots of files.

5 Q. Thousands?

6 A. There was probably thousands of files on that
7 server, but I don't know if we looked -- we didn't look
8 through every single one as -- that maybe wasn't --
9 didn't feel it was pertinent to look into, but anything
10 that certainly dealt with Alan, Auburn Hills, Simply
11 Storage.

12 Q. Okay. So when in your affidavit you say you
13 looked at every server, how many servers are there?

14 A. I think there's just the one, but I could be
15 wrong. Maybe that was general looking at all the
16 available computers.

17 Q. Okay, but you didn't look -- if there was
18 more than one server, you didn't look at every server,
19 right?

20 A. Correct, I just looked at the one that we
21 could access from our -- from our desktop.

22 Q. Okay. When you say "every computer," how
23 many computers were there in the -- in the office?

24 A. Um, we looked on probably all of the
25 computers that were in the cube -- cubicle areas that

1 were either used by myself or Alan or that were there
2 that could have got moved around or reused --

3 Q. Okay.

4 A. -- because there was like four or five
5 different computers in that area, but there was only
6 two being used, so we powered those up and looked at
7 those.

8 Q. In what area?

9 A. In our cubicle area.

10 Q. Okay. My understanding is at the time there
11 were 16 computer work stations in the area, in the
12 computing area -- or in the cubicle area. Does that
13 sound like too many?

14 MR. MCKENNEY: Objection, form and
15 foundation.

16 A. That's too many. Yeah, I don't think there's
17 16.

18 BY MR. BRUETSCH:

19 Q. Did you look at the computer in Mr. Oram's
20 office?

21 A. No, I did not.

22 Q. Did you see Mr. Sieving look at the computer
23 in Mr. Oram's office?

24 A. No.

25 Q. What about Mrs. Oram's office?

1 A. No.

2 Q. So the computers that you actually did look
3 at were yours, Mr. White's, and what else?

4 A. There was like two or three more computers
5 that were used. You know, they're in a cubicle area.
6 They weren't being used by -- by the sales staff, so
7 they were just sitting there, so we powered them up and
8 looked -- looked at them in case one of them happened
9 to be one of Alan's old computers.

10 Q. Okay. And there were old computers in the
11 basement, too, right?

12 A. Randy asked us to go down and look at -- find
13 any -- anything down in the basement, any computer
14 that, you know, would think that would be a place to
15 look, and there really went anything down there that we
16 found.

17 Q. So you didn't power up any of the computers
18 in the basement?

19 A. Didn't power anything downstairs, no.

20 Q. Okay. So it's not accurate to say that you
21 looked at every computer in the office, right?

22 A. I would say that that is accurate.

23 Q. I'm sorry; I didn't hear your answer.

24 A. Yeah, it's not accurate that I looked at
25 every single computer.

1 Q. Okay. And you looked at files on the server
2 that you could access that -- where you thought they
3 might be, but you didn't look at all the files on the
4 server?

5 A. Correct.

6 Q. And the paper files, there's a lot of paper
7 files in the office, right, when you were there there
8 were, right?

9 A. Yeah, there was -- there was two drawers
10 full, pretty much, is what I -- what we worked out of.

11 Q. Oh, you looked at two drawers of files?

12 A. Yeah.

13 Q. That's all you looked at?

14 A. Well, I looked at individual work station
15 files, I looked at two large file cabinet drawers.

16 Q. What work station files did you look at?

17 A. Um, my cubicle, Alan's cubicle, these other
18 cubicles that were adjacent.

19 Q. So like two or three others?

20 A. Yes.

21 Q. And there's extensive file storage in the
22 basement, right?

23 A. Not dealing with billboards, dealing with
24 lawsuits, maybe, that I'm aware of.

25 Q. Did you look at any files in the basement?

1 A. I did not look at any of Randy's personal
2 files, no.

3 Q. Did you look at any of the files in
4 Mr. Oram's office?

5 A. Yes.

6 Q. Which files did you look at in Mr. Oram's
7 office?

8 A. All of those case -- case files were all --
9 or billboard files or locations were all in Randy's
10 office.

11 Q. Okay. Where were the files in Randy's office
12 that you looked at?

13 A. There are -- one as you just come in the door
14 from the cubicles, I think there's two cabinets with
15 top and bottom drawer, and there's other drawers off to
16 the -- I guess it would be the right of where Randy
17 sits.

18 Q. And you personally looked through all of
19 those files?

20 A. I looked at everything that had to do with a
21 billboard, yes.

22 Q. What about in Mrs. Oram's office?

23 A. No, I didn't look at anything in her office.

24 Q. So when you said in your affidavit that "we
25 looked at every file, every server, and every computer,

1 that's inaccurate, right?

2 A. I guess it's a little exaggeration, yes. But
3 it was meant in the context of anything dealing with
4 billboards. I'm not going to look in his personal
5 files or his lawsuits or any of those other things that
6 he brings up. Everything pertinent, yes, we did look
7 at a hundred percent from one side to the other. If it
8 dealt with a billboard, and that I -- that I was aware
9 of it, I looked at it.

10 Q. All right. Who wrote the affidavit? Who
11 actually typed the words? Do you know?

12 A. I think it was -- it wasn't me.

13 Q. So you talked to Mr. LeVasseur and gave him a
14 summary of -- or told him what you believed happened
15 and he typed that up and sent it back to you in an
16 affidavit and you went through one draft and then you
17 signed off on it, right?

18 A. Yes.

19 Q. And you knew this had to be precise, right?

20 A. It was precise.

21 Q. It was precise?

22 A. (Nods head.)

23 Q. You just told me you didn't look at every
24 file, every server, and every computer. You told me
25 that was an exaggeration?

1 MR. LeVASSEUR: Well, objection. He also
2 explained to you that he meant every one that was
3 relevant.

4 MR. BRUETSCH: Don't -- no speaking
5 objections, please. You can object if you want, right?

6 THE WITNESS: Can I object?

7 MR. BRUETSCH: I'm sorry, I'm talking to
8 Mr. LeVasseur.

9 Go ahead.

10 THE WITNESS: I don't know what you
11 want -- what you want me to say. So, yeah, I -- I
12 didn't think it needed to be precise. Yeah, I tried to
13 get it as accurate as I could with -- as far as me
14 saying exaggeration, it wasn't an exaggeration, it was
15 just -- just kind of a -- kind of a coverall, what --
16 what in my mind I know that I looked at, when I say
17 "everything," pertinent to what I have access to or had
18 access to.

19 BY MR. BRUETSCH:

20 Q. So you signed this affidavit under oath,
21 right? Do you know -- do you know what that means?

22 A. I do know what that means, yes.

23 Q. Okay. So is that a yes --

24 A. Yes.

25 Q. -- you signed it under oath?

1 So you know you had to be absolutely
2 truthful, right?

3 A. I was as truthful as -- as I can recall, yes.

4 Q. Okay. And you knew you were making some
5 fairly serious accusations against Mr. Oram, right?

6 A. Yes.

7 Q. And so you knew that you -- that every word
8 meant something, every word could make a difference,
9 right?

10 MR. MCKENNEY: Objection to the form of
11 the question, argumentative.

12 BY MR. BRUETSCH:

13 Q. Go ahead.

14 A. Words do matter, yes, so do deeds.

15 Q. Okay. All right, and so the next thing you
16 did, I guess, was you were directed to reach out to
17 Simply Self Storage and attempt to get this lease
18 renewed. Is that right?

19 A. Yes.

20 Q. And that was Mr. Oram's direction?

21 A. Yeah.

22 Q. And you knew that that was a priority?

23 A. Yeah.

24 Q. Okay. He wanted that done?

25 A. Yes.

1 Q. And you didn't have contact information for
2 anyone from Simply Self Storage; is that right?

3 A. I did not know -- I knew -- I was trying to
4 reach out to Alan to find it out.

5 Q. Okay. And so the best you could do on this
6 priority job was to send a letter to their headquarters
7 at somewhere in Texas and/or Florida?

8 A. I believe it was Florida.

9 Q. Why did you put and/or -- Texas and/or
10 Florida? I'm sorry, I got that backwards, Florida
11 and/or Texas? Do you know where you sent the letter?

12 A. Pretty sure I sent it to Florida.

13 Q. Then why did you --

14 A. I don't know.

15 Q. -- put and/or Texas?

16 A. Couldn't tell you.

17 Q. Do you think you might have sent it to Texas?

18 A. No, I sent it -- pretty sure I sent it to
19 Florida.

20 Q. Does Simply Storage even have a headquarters
21 in Texas?

22 MR. MCKENNEY: Objection, foundation.

23 A. I don't know.

24 BY MR. BRUETSCH:

25 Q. Well, you said in the affidavit that you

1 sent -- you -- "I even wrote letters to the legal
2 departments at Simply Self Storage's corporate offices
3 in Florida and/or Texas." Right?

4 A. I believe it was Florida.

5 Q. Why do you believe that today and apparently
6 you didn't have that firm of a conviction when you
7 signed the affidavit?

8 A. I couldn't tell you. I just thought about it
9 and Florida is where it went.

10 Q. Okay. So "and/or Texas," that part in the
11 affidavit is inaccurate. Is that right?

12 A. Yeah.

13 Q. Okay. Did you look up Simply Self Storage,
14 Google them, anything?

15 A. Yeah.

16 Q. At the time?

17 A. Yes.

18 Q. Okay. So you found an address for them in
19 Florida?

20 A. Yes, corp --

21 Q. Mailed that off?

22 A. Yes. Never heard back.

23 Q. Well, why didn't you go out to one of the
24 Simply Self Storage locations?

25 A. Why would I?

1 Q. Because your boss asked you to get this lease
2 renewed.

3 A. Well, at these locations they have managers,
4 there's typically not anybody that's worth reaching out
5 to, plus I didn't know the contact -- I didn't know
6 what the contact person was.

7 Q. What about when you did a lease or were
8 working on a lease with Simply Self Storage in Troy,
9 who did you deal with there?

10 A. I stopped in to get contact information, but
11 I don't believe that that was the person that would
12 actually be signing off on it.

13 Q. When you wanted to work on the deal in Troy
14 with Simply Self Storage, you reached out to the local
15 people, you asked them for contacts higher up the
16 chain, you're emailing them, you had email addresses,
17 right?

18 A. No, sometimes I'd just give them the lease
19 and say, "Get back to me if you're interested."

20 MR. BRUETSCH: This is going to be 14.

21 (EXHIBIT marked: Exhibit 14.)

22 BY MR. BRUETSCH:

23 Q. So, Mr. Depa, we've handed you what's been
24 marked as Exhibit 14. It's an email from yourself to
25 troy@simplyss.com dated February 29th, 2012.

1 Does that look like an email that you sent?

2 A. Yes.

3 Q. Okay. So you sent an email to somebody named
4 Eric concerning -- you know, doing some reaching out to
5 try to get a lease with Simply Self Storage in Troy,
6 right?

7 A. Looks that way, yes.

8 Q. Okay. And there's actually a couple of
9 emails in here about the Simply Self Storage in Troy
10 where you're -- you've got a series of emails, and it
11 looks like it's to a Mr. T. Eric Wendt at Simply Self
12 Storage in Troy, right?

13 A. Yes.

14 Q. So if we looked at the earliest email in
15 time, which is on the third page, you're saying, Hello,
16 Eric, I haven't heard back after my last
17 correspondence, I was hoping our billboard proposal was
18 still making it forward through the ranks, you asked
19 him for update, right?

20 A. Yes.

21 Q. And Mr. Wendt wrote you back, apologizing for
22 the delayed response, and saying the company was still
23 reviewing the offer, and he's right out at the location
24 in Troy, right?

25 A. Looks like it, yeah.

1 Q. So that's where you started from when you
2 were trying to get a deal in Troy in 2012, right?

3 A. Looks like it, yes.

4 Q. Okay. So why didn't you do that in 2016 when
5 Mr. Oram was urgently asking you to get a lease renewal
6 in Auburn Hills? Why didn't you go out to Auburn
7 Hills?

8 A. Because I was asked to write the letter to
9 corporate, and I did. And why I didn't do that, I
10 couldn't tell you. Was I directed to? No. I didn't
11 refuse not to do it, but it wasn't something I was
12 working -- I was working on a lot of projects, and that
13 was my focus. If Randy would have said, "Go out there
14 and see what you can find out," I would have.

15 Q. Well, you wrote in your affidavit that
16 Mr. Oram directed to you try to reach out to Simply
17 Self Storage to get it renewed, and you testified that
18 that was something very urgent and important to him,
19 right?

20 A. Yes.

21 Q. And you wrote in your affidavit, but I didn't
22 have a good contract number. Well, you had dealt with
23 somebody in Troy. Why didn't you contact him?

24 A. Couldn't tell you.

25 Q. And, in fact, these circumstances that you're

1 all talking about, you think those took place in July
2 of 2016 for the most part, the circumstances in your
3 affidavit?

4 A. Some of them, yes.

5 Q. Well, when was this big search?

6 A. What do you mean, "big search"?

7 Q. When -- when did the -- when did the search
8 of all the files, all the servers, and all the
9 computers take place?

10 A. 2018 -- or 2016, I'm sorry.

11 Q. Okay. What month?

12 A. Earlier in the year, January, February,
13 March, right in that area.

14 Q. And how do you remember that it was in
15 January, February, or March?

16 A. I think that was when we -- we found out that
17 Adams was building a board and Outfront, I believe, got
18 their -- it was going through the approval, they were
19 in front of the planning commission, something like
20 that.

21 Q. And how do you know that was occurring in the
22 beginning of that year?

23 A. Just my recollection. It just seemed like it
24 was earlier -- earlier in the year. There was
25 something about town of Gilbert, Arizona, versus Reed

1 that I know that came up, so we were talking about the
2 possibility that the ord -- that their ordinance
3 pertaining to billboards was going to change. I think
4 Randy was the one that brought that to us. And that
5 kind of got things -- got us looking.

6 Q. So if you sent a letter to Simply Self
7 Storage in Florida and/or Texas, where would that be --
8 where would that letter be in the International Outdoor
9 files?

10 A. It would -- it would be probably on my
11 laptop -- or on my desktop or put in a file somewhere.

12 Q. A paper file?

13 A. Probably not. I mean, I -- I don't know,
14 could be. I can't remember what -- if I did both,
15 but --

16 Q. What was your practice if you were writing a
17 letter about a lease? Would it just be on your
18 computer or would you put it on the server? What would
19 you do?

20 A. It depends on what it was.

21 Q. What about this type of letter?

22 A. Can't say. Probably printed it off, signed
23 it, and put it in an envelope. I may have not done an
24 extra copy for the file, but it would definitely be on
25 my elec -- it should be on an electronic file.

1 Q. Okay. You wiped your computer before you
2 left International Outdoor, didn't you?

3 A. No.

4 Q. No?

5 A. No.

6 Q. Didn't you go on to the servers also and
7 modify files of yours on the server?

8 A. I don't believe I did, no. I may have moved
9 stuff and consolidated, but I didn't change -- I didn't
10 do anything illegal or anything that would be against
11 what Randy would ask me to do.

12 Q. I didn't say you did something illegal, I
13 just said that you --

14 A. I didn't wipe the server, no.

15 Q. -- removed things from your computer.

16 A. I didn't wipe the server.

17 Q. Did you remove anything from your computer?

18 MR. MCKENNEY: I'll object and ask for a
19 clarification. His laptop or his work computer?

20 BY MR. BRUETSCH:

21 Q. Well, what did you have?

22 A. I had a desktop, yeah.

23 Q. You had a desktop that was International
24 Outdoor property?

25 A. Yes.

1 Q. Did you also work from a laptop?

2 A. A home laptop if had do get something done
3 for Randy.

4 Q. Was that your personal one?

5 A. Yes.

6 Q. But you're -- fair to say the majority of
7 your files and your work product for International
8 Outdoor would have been done on your desktop computer
9 that stayed at the company?

10 A. Correct.

11 Q. Okay. And -- and you didn't clean out that
12 computer, delete things before you left?

13 A. I deleted stuff maybe that I knew wasn't
14 pertinent and/or just didn't -- wasn't going anywhere,
15 and then other stuff that was, I tried to organize the
16 best I could, and I put it all like really tight on --
17 on the top so the next person coming in could find it.

18 Q. Okay. I mean, there was a lot of for our
19 purposes I'll just say politically incorrect material
20 that you had on that computer, right?

21 A. Like what?

22 Q. Well, I could probably show you some
23 examples, but memes and jokes and racially insensitive
24 pictures, things that you would email around the
25 office, right?

1 A. I don't think I emailed stuff around the
2 office. I wasn't that kind of person, but I don't
3 know.

4 Q. Okay. You don't recall deleting those kinds
5 of things?

6 A. I may have, because those -- like I said,
7 those are things that weren't pertinent to IO if they
8 were on my file, because I did have a folder that had
9 like just kind of personal stuff in it, here or there,
10 and yeah, I got rid of that because it was not IO
11 stuff, and, you know.

12 Q. And you didn't email these types of things
13 around the office?

14 A. I don't remember.

15 Q. Okay.

16 A. Show me what it was, and maybe -- maybe I
17 could --

18 Q. Well, I mean, a minute ago you said you
19 didn't do that, you're not that kind of person, and now
20 you don't remember when Mr. Oram pulls a picture out of
21 his binder, right?

22 A. Let me see it. I'll tell him, maybe I --
23 maybe I did send it around.

24 MR. BRUETSCH: Mark that as 13, please.

25 THE REPORTER: 13.

1 MR. BRUETSCH: Can I see that, please,
2 before you put a sticker on it?

3 (EXHIBIT marked: Exhibit 13.)

4 MR. BRUETSCH: I don't have copies of
5 these guys. We'll have to share.

6 BY MR. BRUETSCH:

7 Q. Is that an email you sent to people in the
8 office?

9 A. Don't remember.

10 Q. Does it got your -- does it have your name on
11 it as the sender?

12 A. November 2013, yeah, maybe. A joke about
13 Walmart people, yeah.

14 Q. But that's not the only time you've sent
15 something, and again I'll use the term politically
16 incorrect or racially insensitive, right?

17 A. I would say I didn't send anything racially.
18 Are you calling me a racist?

19 Q. I'm not calling you anything, sir. I'm
20 asking you if you sent emails around the office or not.

21 A. Probably did. I mean, in an office sitting
22 for eight years, yeah, you send stuff. I probably
23 received stuff, too.

24 Q. Okay.

25 A. I just don't have the ability to go and print

1 off everything that people sent to me or even Randy
2 sent to me, so.

3 Q. And to be clear, the only reason I asked you
4 is because you said you didn't do it the first time I
5 asked the question, but.

6 A. I think you were saying it was personal stuff
7 or jokes, or I don't know, but.

8 Q. Right.

9 A. Randy knows I'm not racist, so if he's trying
10 to pull something up and prove it, it's just a -- just
11 a --

12 Q. You weren't involved in the International
13 Outdoor/Simply Self Storage/Lamar Advertising
14 litigation, right?

15 A. I wasn't -- my name was in there I think a
16 couple of times.

17 Q. How was it in there?

18 A. I don't know, it was questions that I worked
19 for the company or something.

20 Q. What kind of questions?

21 A. It's whatever you already have in your
22 possession and I -- I'm sure I don't have in my
23 possession, so.

24 Q. You -- you weren't in the loop on the
25 day-to-day operations -- the day-to-day happenings in

1 the lawsuit, were you?

2 A. Probably not the day-to-day things, no,
3 just --

4 Q. Just what you heard around the office?

5 A. Correct.

6 MR. BRUETSCH: Would you mark that as 4,
7 please?

8 (EXHIBIT marked: Exhibit 4.)

9 BY MR. BRUETSCH:

10 Q. So we've handed you Exhibit 4, which is a
11 couple different pages, three different pages. I just
12 want to close the loop on this contractor/employee bit.

13 The first page is a 2018 1099 form from
14 International Outdoor to you. Again we've blacked out
15 the last four digits of your social security number.

16 You received a 1099 each year you were with
17 International Outdoor, right?

18 A. Yes.

19 Q. Okay, and the second page is titled
20 Independent Contractor Agreement. You -- you had an
21 independent contractor agreement with International
22 Outdoor, right?

23 A. I guess, yeah.

24 MR. LeVASSEUR: Objection to the extent
25 it calls for a legal conclusion.

1 BY MR. BRUETSCH:

2 Q. Was your answer "I guess"?

3 A. Yes, I'm looking at an agreement.

4 Q. And on the third page is a letter dated
5 September 7th, 2016, to a Ms. Makeda Myles, so it's
6 M A K E D A, last name M Y L E S, State of Michigan
7 Unemployment Insurance Agency.

8 Did you send that letter?

9 A. I did send that letter.

10 Q. And in this one, this has to do with an
11 independent contractor classification tax audit, right?

12 A. Correct.

13 Q. And you told Ms. Myles that you were an
14 independent contractor?

15 A. Yeah, Randy made us -- wrote this up and made
16 us sign them and send them out.

17 Q. So you didn't think this was accurate?

18 A. I mean, I was okay with -- I was a contractor
19 because that's what we were being called, and we did
20 there on behalf of Randy because he was in some kind of
21 mixup with -- with them, but it wasn't something that I
22 volunteered. This was done for us. And I wasn't the
23 only one, I think there was multiple people that did
24 this.

25 Q. Okay. I'm just trying to kind of get this

1 straight, because we talked about this very early and
2 you indicated that you thought you were an employee and
3 that they tried to classify you as a contractor but you
4 were really an employee.

5 So are -- were you -- do you think you were
6 an employee or do you think you were an independent
7 contractor?

8 MR. MCKENNEY: Objection, foundation.

9 MR. LEVASSEUR: Objection, calls for a
10 legal conclusion.

11 A. I was what you would call an employee of
12 International Outdoor. I was referred to that over and
13 over by all kinds of people, including Randy and his
14 wife and everybody else.

15 What I was on paper and for purposes of being
16 paid was a contractor, and it wasn't my choice, it was
17 all their choice. We had -- we didn't have a choice to
18 do it. In fact, I asked to be brought on, and I
19 wasn't.

20 And this thing right here was not written by
21 me, it was -- it was asked for us to sign it because he
22 was being audited or something.

23 BY MR. BRUETSCH:

24 Q. But you thought it was inaccurate?

25 A. I disagreed with -- well, I mean, like I

1 said, at the time I didn't really -- wasn't one way or
2 the other. I wasn't going to -- you know, Randy asked
3 me to do it and I said, "Yeah, I'll sign it."

4 Q. Okay. So you signed a letter to somebody at
5 the State of Michigan, and did you believe what it said
6 was true or not?

7 MR. MCKENNEY: Objection, foundation.

8 BY MR. BRUETSCH:

9 Q. Did you answer my question?

10 MR. MCKENNEY: You asked him to review
11 the letter.

12 BY MR. BRUETSCH:

13 Q. Still thinking about it?

14 MR. MCKENNEY: Let him review the letter.

15 MR. BRUETSCH: Well, he's not looking at
16 the letter.

17 MR. MCKENNEY: He's clearly looking at
18 the letter.

19 BY MR. BRUETSCH:

20 Q. Are you ready or not?

21 A. What's the question? Do I believe that I was
22 a contractor?

23 Q. No, do you believe what you wrote -- I'm
24 sorry.

25 Do you believe what's in the letter that you

1 signed is accurate or not?

2 MR. MCKENNEY: Objection, foundation.

3 A. I will tell you that I didn't -- I did sign
4 it, and I'll tell you it needs a lot more -- you need a
5 lot more context around it, but if you're asking me if
6 by saying that "affirm my independent contractor
7 classification," yeah, I'm signing it, agreeing to it.
8 But it was only because Randy was going through this
9 audit and he -- he had to equate that, and, of course,
10 we -- he asked us to do it and we did it.

11 MR. BRUETSCH: This is 5.

12 (EXHIBIT marked: Exhibit 5.)

13 BY MR. BRUETSCH:

14 Q. Mr. Depa, we've handed you an exhibit
15 numbered Exhibit 5. It's entitled Confidentiality,
16 Non-Competition and Proprietary Rights Agreement.

17 You can leaf through that if you would like.
18 My first question is simply going to be is that your
19 signature on page 6?

20 A. Yes.

21 Q. Now, in the recital section, part A, it says
22 consultant, which is you, is an independent contractor,
23 right?

24 A. Yes.

25 Q. Okay. Section B indicates that company

1 information was to be kept confidential and prohibited
2 you from competing with the company or taking advantage
3 of the company in any way, right?

4 A. Yes.

5 Q. Did you keep the company's information
6 confidential?

7 A. Yes. I mean, be more specific, but yeah.

8 Q. Well, let's look at number 2, Confidentiality
9 and Company Property. You had an obligation under the
10 agreement not to disclose any of the internal business
11 of the company. Is that right?

12 A. Correct.

13 Q. And on page 4 there's a section 6(A), Return
14 of Company Property, where you were supposed to return
15 and deliver to the company all -- any company property
16 in your possession, right?

17 A. Yes.

18 Q. So why didn't you give them back the
19 information that you had on your computer?

20 A. It was all copies of stuff. They already had
21 it on there. They already had theirs.

22 Q. Well, isn't the point that they didn't want
23 you to have it after you left the company?

24 A. It was nothing confidential, just maps, me
25 reaching out to MDOT.

1 Q. Well, you -- don't you have things like
2 leases?

3 A. I don't think I have a lease. I might, but.

4 Q. What about your project reports?

5 A. Not at -- not at my house, no.

6 Q. Not on your computer?

7 A. No.

8 Q. What kinds of things do you have on your
9 computer? What kind of documents do you have?

10 A. I told you, just maps.

11 Q. Well, originally you said your work product.

12 A. Pardon?

13 Q. Originally you said it was your work product
14 from the company, things that you were going use to try
15 to get another job, part of your portfolio?

16 A. Yeah, it was like -- showing, like a -- we
17 put together packets for ZBA, planning commission, and
18 they're pretty extensive and they got narratives and
19 stuff like that, and we put them together, they're
20 multiple documents, and we'd scan them together and
21 it's kind of one little binder, binded packet, and
22 yeah, that was something that I was going to show as --
23 as pre -- you know, stuff that I've worked on in the
24 past, or where I'd -- actually have just come from.

25 Q. And you thought that was okay to do, to use

1 without permission those kind of packages when you're
2 trying to get other jobs?

3 A. Yeah.

4 Q. You were -- you tried to apply for a number
5 of jobs in municipalities while you were still working
6 at International Outdoor, right?

7 A. Yes.

8 Q. And -- and were you providing those
9 municipalities these kinds of packages as a sample of
10 your work?

11 A. I don't think so, no.

12 Q. Who were you providing those packages to?

13 A. I didn't give them to anybody.

14 Q. So what were you giving to prospective
15 employers?

16 A. I had them if I was -- if I was -- I would --
17 I wouldn't give them anything from -- from IO. I was
18 more or less just, you know -- I can't even remember if
19 I had -- I had one interview, I think, so I wasn't
20 sending anything out to people.

21 Q. Okay. So I'm confused, because when we first
22 started talking about information from International
23 Outdoor that you had on your computer, you told me that
24 one of the purposes of having that was to use as part
25 of your portfolio to get another job. So were you

1 using that -- any of that material for that purpose or
2 not?

3 MR. MCKENNEY: Objection, misstates
4 former testimony.

5 A. I didn't -- I don't -- I can't remember if I
6 included it with any of them or not. It certainly I
7 think got to a point where I was leaving --

8 I'll just say no. I'll just say I don't
9 think I did it.

10 MR. BRUETSCH: This will be 6.

11 (EXHIBIT marked: Exhibit 6.)

12 BY MR. BRUETSCH:

13 Q. Mr. Depa, we've handed you what we've marked
14 as Exhibit 6, which is a text message. I'll give you a
15 second to read that.

16 Is that a text message you sent to Mr. Oram?

17 A. Yeah.

18 Q. Okay. And this is referencing a job you had
19 applied for, right?

20 A. Yes.

21 Q. And the Greg that you identify in the text
22 message is who?

23 A. He was the -- one of the people that I was
24 interviewing with.

25 Q. Okay. And basically you're telling Randy

1 Oram that references are being called, and you had
2 listed Mr. Oram as a reference, right?

3 A. Yes.

4 Q. If Mr. Oram was this bad guy who fabricated
5 leases, why were you listing him as a reference?

6 A. He was my current employee -- employer. He
7 would have the most information on the work I do.

8 Q. Okay. This is October 2018, right?

9 A. Yes.

10 Q. Okay. So you were gone from International
11 Outdoor at that point, right?

12 A. Yes.

13 Q. So he wasn't your employer then, right?

14 A. Right.

15 Q. Okay. And he did -- he had done something,
16 according to you, that was apparently keeping you up at
17 night for a couple of years, right?

18 A. Yes.

19 Q. And so he's a reference when you're applying
20 for new jobs?

21 A. He's the person that would know exactly what
22 I did for him for eight years. He was the obvious
23 choice.

24 Q. And you asked him to lie for you, right?

25 A. I asked him to say that, yeah, we started in

1 March 2010 instead of September.

2 Q. Right, because you didn't want to have that
3 gap in your employment history, right?

4 A. Correct.

5 Q. And so you put that on the resume that you
6 applied -- that you submitted for this job interview
7 that you actually started at International Outdoor in
8 March of 2010, right?

9 A. Yes.

10 Q. And then you asked Mr. Oram to confirm that
11 lie if Greg called him, right?

12 MR. MCKENNEY: Objection, I don't think
13 that's what the evidence says, but okay.

14 BY MR. BRUETSCH:

15 Q. Am I right or wrong?

16 A. I asked him to say I started in March.

17 Q. Right, which is something that wasn't true,
18 right?

19 A. Correct.

20 Q. Okay. And you also told him that you were --
21 that you had -- you also told Mr. Oram that you had
22 indicated to Greg that you were introduced to Mr. Oram
23 by a mutual friend, right?

24 A. Yeah, I don't know what that means.

25 Q. Well, that's not how you got the job at

1 International Outdoor. It wasn't through an
2 introduction of a mutual friend, right?

3 A. No, I think it was through the Michigan Job
4 Bank, if I recall.

5 Q. Right. So why did you tell Greg that you and
6 Mr. Oram were introduced by a mutual friend?

7 A. I don't know if I even told Greg that.

8 Q. It says here, "I told him we were introduced
9 by a mutual friend."

10 A. I listed it on my resume, but I didn't say
11 that verbally to him.

12 Q. Okay, I want to walk through this one more
13 time just to make sure I understand your answer.

14 "I listed on my resume I started in March of
15 2010 and I told him we were introduced by a mutual
16 friend."

17 Did you tell him you were introduced by a
18 mutual friend, or did you tell him on your resume you
19 were introduced by a mutual friend?

20 A. I don't even -- I don't recall.

21 Q. Okay. In any event, that's inaccurate,
22 right?

23 A. Could be.

24 Q. There was a contractor manual, like an
25 employee manual, with the policies of International

1 Outdoor that you had to sign when you joined the
2 company, right?

3 A. I don't remember.

4 Q. No? So if you had to -- if you wanted to
5 take a vacation and needed to figure out what the
6 appropriate way to go about get time off was, how did
7 you know what to do?

8 A. Ask Randy for a couple days off.

9 Q. There was no policy or procedure you were
10 supposed to go through with the company?

11 A. No.

12 Q. Okay. So you don't know if there was some
13 kind of grievance process if you had any issues or
14 problems at the company that you needed to report?

15 A. No. I wouldn't know who to report them to.

16 Q. So the idea that there was some kind of
17 contractor manual or employee manual, you have no idea
18 what I'm talking about?

19 A. If it -- if I signed something when I first
20 got there, it was never -- I don't think it was ever
21 accessed again, or I don't ever remember it coming up.

22 Q. Okay. All right.

23 Why did you leave International Outdoor?

24 A. To move out to Oregon.

25 Q. Okay. You have family out here?

1 A. Yes.

2 Q. Mr. Oram didn't renew your contractor
3 agreement for 2018; is that right?

4 A. I told him I was leaving, there's not a need
5 for it.

6 Q. Okay. And when you met with him in early
7 2018, he indicated to you that he agreed it was
8 probably time for you to move on?

9 A. No.

10 Q. No? He didn't say that?

11 A. No, he did not.

12 Q. Did he tell you he thought you were burned
13 out?

14 A. No.

15 Q. Have you ever signed on to Randy's computer?

16 A. No.

17 Q. What about Mr. Sieving's computer? Have you
18 ever signed on to that?

19 A. No.

20 MR. BRUETSCH: We're going to mark this
21 as Exhibit 7.

22 (EXHIBIT marked: Exhibit 7.)

23 BY MR. BRUETSCH:

24 Q. So I've handed you Exhibit 7, which is the
25 affidavit that you signed in the case. Is that right?

1 A. Yes.

2 Q. Okay. And on the last page of it, that's
3 your signature, right?

4 A. Yes.

5 Q. And it says "Subscribed and Sworn to Before
6 Me this 30th day of May, 2019," and it's got a
7 signature, Ruth Ann post. Who is Ruth Ann post?

8 A. A lady I work with at the City of Philomath.

9 Q. Give me the city again.

10 A. Philomath.

11 Q. How do you spell that?

12 A. P H I L O M A T H.

13 Q. So she's a co-worker there?

14 A. Yes.

15 Q. Okay. Did you actually sign this before her?

16 A. Yes.

17 Q. Okay. What's your job title with the City of
18 Philomath?

19 A. Well, I work for the -- I work for Benton
20 County. I'm an associate planner for Benton County. I
21 work in the County and various other cities within the
22 county that need planning work.

23 Q. Do you kind of like rotate through cities, or
24 how does that work?

25 A. Yeah, I got specific days, but I got a lot of

1 freedom to move between the cities and the county.

2 Q. When did you start your employment there at
3 Benton County?

4 A. I think it was November 5th.

5 Q. Okay. When we looked at that Exhibit 6, that
6 text message to Randy, was that in reference to this
7 job in Benton County?

8 A. Yes.

9 Q. So Greg is somebody at Benton County?

10 A. Yes.

11 Q. What's his full name?

12 A. Greg Verret.

13 Q. What are your duties at Benton County?
14 What -- what are the duties of an associate planner?

15 A. Process files that come in, cases.

16 UNIDENTIFIED PERSON: Oops, sorry.

17 BY MR. BRUETSCH:

18 Q. What do you mean, process files and cases,
19 what kind of files and cases?

20 A. Land use.

21 Q. Do you do anything with billboards now?

22 A. Nope.

23 Q. So looking at your affidavit, Exhibit 7, the
24 first paragraph it says you're a former employee of
25 International Outdoor. But you weren't an employee,

1 right, you were an independent contractor?

2 MR. LeVASSEUR: Objection, foundation.

3 A. Which -- which are you looking at?

4 BY MR. BRUETSCH:

5 Q. Paragraph 1, first sentence.

6 A. "I am a former employee," yeah.

7 Q. Okay. Were you an employee or an independent
8 contractor? I don't really want to go into the
9 details.

10 A. I was both.

11 Q. You were both?

12 A. Yeah, I was both.

13 Q. Okay. So you say you make this affidavit on
14 the basis is of your personal knowledge and "If called
15 upon to testify, I can and will confirm each of the
16 statements made below," right?

17 A. Yes.

18 Q. All right, paragraph 3 you say in the course
19 of your employment you "became aware that International
20 Outdoor was engaged in a dispute with SS MITX, LLC,
21 (commonly referred to as Simply...Storage) and Lamar
22 Advertising of Michigan over the right to erect a
23 billboard at Simply Self Storage's Auburn Hills,
24 Michigan, location."

25 How did you originally learn that?

1 A. It was during the time when Adams was
2 building their sign. It was early -- well, it was
3 probably late summer, sometime in 2016.

4 Q. So you can't be more specific than sometime
5 in 2016?

6 A. Sometime after the summer.

7 Q. Okay. So in --

8 A. Could be the fall.

9 Q. In the fall?

10 A. Yeah.

11 Q. Because that's actually when the -- the
12 lawsuit was filed, right, sometime in the fall of 2016?

13 A. Sometime in there, yeah, or they were talking
14 about doing. I didn't -- I don't know the exact date
15 they filed. I know that they were going to file, and I
16 know the reasons behind it.

17 Q. And how did you know about the reasons?

18 A. I talked -- I talked to Jeff Sieving every
19 day about everything and every case that's going on or
20 anything that I've had something to do with, so yeah.

21 Q. So your information about it came from the
22 company attorney?

23 A. Or Randy, either one, yeah.

24 Q. Did Randy talk to you about the lawsuit?

25 A. It came up. I'm not sure if he -- he didn't

1 like, here, I'll -- sit -- sit me down and tell me
2 what's going on, but.

3 Q. How did it come up?

4 A. He -- it came up. I don't -- I don't know.
5 It came up in a conversation.

6 Q. Do you recall any specific conversations with
7 Mr. Oram about the lawsuit?

8 A. No, it was more Jeff. It was -- more
9 conversations with Jeff Sieving about the lawsuit and
10 that they were filing, and at some point Randy
11 confirmed that it was going -- that it was -- that they
12 were going forward, so yes.

13 Q. Okay. So you say in paragraph 4, "In
14 connection with that dispute I am aware that
15 International Outdoor and my boss, Randy Oram, claimed
16 that a letter was sent to Simply Self Storage in
17 December 2013 for the purpose of renewing a 2009 lease
18 for the right to erect a billboard at the Auburn Hills
19 location."

20 How did you become aware of that?

21 A. Through Mr. Sieving.

22 Q. And again, was that in the fall of 2016?

23 A. Well, I knew Randy fabricated the letter in
24 2016, and I knew that they were filing a lawsuit, and I
25 knew that it was based -- that was what it was based

1 on.

2 Q. All right. So this alleged claim -- I'm
3 sorry, strike that.

4 This claim -- your knowledge that in
5 connection with this dispute, a letter was sent, that
6 was about the same time in October or the fall of 2016?

7 MR. LeVASSEUR: Could you repeat --
8 repeat that?

9 MR. BRUETSCH: Sure.

10 BY MR. BRUETSCH:

11 Q. You'd indicated that you had become aware of
12 a dispute in the fall of 2016, so I'm just trying to
13 find out if the next paragraph, paragraph 4, is kind of
14 the same timing, in connection with the dispute you
15 became aware that --

16 A. Yeah, it was sometime in -- sometime in that
17 fall. It was definitely af -- it was after July, so it
18 was probably August, past, whenever they filed it, or
19 were going to file it, Jeff -- you know, it wasn't a
20 company secret.

21 Q. Right. So in paragraph 5 you say you have
22 personal knowledge that the lease renewal letter was
23 not sent because you observed Randy Oram type the
24 letter, right?

25 A. Correct.

1 Q. Okay. So where did this happen?

2 A. This happened in his office on his desktop.

3 Q. Okay. So he's got a desktop computer in his
4 office, and where were you?

5 A. I was coming from Jeff Sieving's office
6 through the hallway door.

7 Q. Okay. So you walked through Mr. Oram's
8 office?

9 A. Yes.

10 Q. Okay. And how did you happen to observe Mr.
11 Oram typing a letter in his office?

12 A. I came up to him from -- from behind, saw
13 what he was doing, but was talking to him about
14 something else, and took a glance, saw the -- the
15 Simply Storage -- not the logo, but the acronym for it,
16 it's pretty hard to miss, SS MIT -- I mean it was just
17 something that was there, saw what it was, saw what he
18 was writing. But this is, again, after we looked
19 everywhere for it. So when I saw it, I didn't say
20 anything.

21 Q. How far were you from the screen?

22 A. Three feet, four feet.

23 Q. Well, the screen is on his desk --

24 A. Yeah.

25 Q. -- near the window, right?

1 A. Yeah, and I came in behind him.

2 Q. So you cut all the way behind him so that you
3 were between the screen and him?

4 A. No, his computer is here, the end of his desk
5 is here. I was standing right there. So I think there
6 is three --

7 Q. So Mr. Oram was between you and where the
8 computer screen was?

9 A. Correct.

10 Q. That's more than three feet, right?

11 A. I think it's three or four feet maybe, yes.

12 Q. Okay. And so he was typing, so his back was
13 to you?

14 A. Yes.

15 Q. And so you're looking over his shoulder?

16 A. Yes.

17 Q. And he didn't react at all to the fact that
18 you were sitting behind him reading this over his
19 shoulder?

20 A. I saw what was done and I -- but I came in to
21 talk to Randy, and I -- I did. I didn't just stand
22 there and disappear. I came in for the purpose of
23 asking him a question about something.

24 Q. Do you know what you were going to ask him
25 about?

1 A. I have no idea.

2 Q. Okay. So you came up on the side of him, and
3 as I said -- as you said, his back was to you, and
4 you're looking at the screen, and what did Mr. Oram do?

5 A. He turned around and I asked him the question
6 and he answered it and -- and I left.

7 Q. Okay. And -- and how long did that take?
8 How long were you watching over his shoulder?

9 A. The whole conversation.

10 Q. How long is that?

11 A. Probably less than a minute.

12 Q. All right. So you're talking to him, you're
13 listening -- you're saying things to him, you're
14 listening to him, and you're reading something over his
15 shoulder on his screen?

16 A. Yes.

17 Q. Was anybody else in the office?

18 A. No.

19 Q. Did he try to cover the screen or click --
20 click out of the document at all?

21 A. No.

22 Q. And you said nothing to him about it?

23 A. I did not say anything to him.

24 Q. You never said anything about it to him,
25 right?

1 A. Correct.

2 Q. How many letters did he write?

3 A. What do you mean?

4 MR. MCKENNEY: Object to the form of the
5 question.

6 BY MR. BRUETSCH:

7 Q. Was there more than one -- did you see him
8 write more than one letter, or just one?

9 A. I saw him write one letter, I saw him print
10 it off, I saw it on the printer, and then I saw exactly
11 what it said.

12 Q. You saw it at the printer, too?

13 A. Correct.

14 Q. Where is the printer?

15 A. Right next to where I sit.

16 Q. Okay. And you saw him sign it. How did you
17 see him sign it?

18 A. He signed it at the -- at the printer.

19 Q. Okay. Long letter? Short letter?

20 A. Short.

21 Q. Tell me what it said.

22 A. I can't tell you exactly what it said, other
23 than it was the renewal for renewing -- a request
24 for -- pursuant to the lease for the -- for five more
25 years.

1 Q. Do you remember anything else it said?

2 A. No.

3 Q. Do you have if it said anything about a
4 check?

5 A. No, nothing about a check.

6 Q. Do you remember if it said anything about
7 holiday greetings?

8 A. No, it didn't say anything about holiday
9 greetings.

10 Q. Do you know who it was addressed to?

11 A. No. I don't have a copy of it.

12 Q. I'm just asking you what you remember,
13 because --

14 A. I know it was -- had the SS MITX thing at the
15 top and --

16 Q. To Texas? To Florida? To Auburn Hills?

17 A. I forget -- no.

18 Q. And when I asked you about his second letter
19 you were kind of puzzled. You don't know anything
20 about a second letter to SS MITX, do you?

21 A. I heard there's one, but I've never seen it.

22 Q. You don't know about it from your own
23 personal knowledge?

24 A. No.

25 Q. Who did you hear it from?

1 A. This morning.

2 Q. Oh, that's one of the documents you were
3 talking about this morning with Mr. LeVasseur and
4 Mr. McKenney?

5 A. They mentioned it, and I said no, it wasn't
6 that. It had nothing do with a holiday greeting. I
7 never heard of it before, never seen. I didn't even
8 know it existed before today.

9 Q. So when you walked to the office to talk to
10 Mr. Oram, the letter was completely written?

11 A. I couldn't say if it was completely. It was
12 definitely -- the bulk of what I saw was pursuant to
13 what we do, what we send out to all kinds of other --

14 Q. Was there a signature line on it?

15 A. I believe so.

16 Q. You believe so?

17 A. Yeah.

18 Q. And you could read the date?

19 A. I could read the date.

20 Q. What was the date?

21 A. I know the date was -- he says it was 2013,
22 but it wasn't.

23 Q. What was the date on the letter that you
24 read?

25 A. 2013.

1 Q. What day?

2 A. Sometime in December I think.

3 Q. Do you know the date?

4 A. I can't remember exactly if it was the 23rd
5 or 28th.

6 Q. And you don't know who it was addressed to?

7 A. No.

8 MR. LeVASSEUR: You already asked and
9 answered that.

10 BY MR. BRUETSCH:

11 Q. Did you see Mr. Oram write a check?

12 A. No.

13 Q. Did you see the dates of the extension?

14 A. It was just exercising the lease five years.

15 Q. Five years was the standard in the leases,
16 right?

17 A. Yes.

18 Q. Did you actually see the words?

19 A. Yeah, I saw "five years" there.

20 Q. And did you actually see --

21 A. And it's not standard. Most of them are 10
22 years, actually five years is an anomaly.

23 Q. Did you actually see the dates of the
24 extension on the letter?

25 A. The dates of the extension?

- 1 Q. Uh-huh.
- 2 A. No, it was just five years.
- 3 Q. How did Randy sign the letter?
- 4 A. Signed it with a pen that he had on him.
- 5 Q. What did he sign it -- what words did he
6 write on the letter?
- 7 A. He didn't write any words; he signed his
8 name.
- 9 Q. How did he sign his name?
- 10 A. With a pen.
- 11 Q. No, I mean what did he write?
- 12 A. His name.
- 13 Q. How does he sign his name?
- 14 A. I don't know, however he decides to sign it.
15 Cursive.
- 16 Q. What words did he use?
- 17 A. Oh, so you're trying to see if he used Randy
18 or Latif?
- 19 Q. I want to know what you saw on the letter.
- 20 A. I don't -- I don't know. I didn't -- I
21 didn't pin down what he was signing. I -- I knew the
22 letter was there because it was left on the printer so
23 I knew exactly what it was. I just saw him type it,
24 and then he goes and signs it.
- 25 Q. How long did he leave it on the printer?

1 A. Oh, I don't know, probably over half an hour
2 to an hour maybe.

3 Q. How many people were in the office?

4 A. Couldn't tell you. I don't remember.

5 Q. Were you alone? Are you typically alone?

6 A. No.

7 Q. Okay. There are typically other people in
8 the office?

9 A. Mm-hm.

10 Q. So Mr. Oram wrote this fabricated letter and
11 just left it on the printer for an hour?

12 A. Yeah. I wouldn't say an hour, but somewhere
13 around.

14 Q. You said a half hour or an hour?

15 A. Half an hour to an hour.

16 Q. He didn't race out of his office --

17 A. No.

18 Q. -- and go get it so nobody would see it?

19 A. Why would he?

20 Q. Who sits around you who is also -- who also
21 would have been near the printer at that time?

22 A. Alan's cubicle is there.

23 Q. Alan White?

24 A. Yes.

25 Q. Anyone else?

1 A. I can't remember. I can't remember if
2 somebody was sitting in -- I don't know who was sitting
3 to my -- I guess to my left, but there was another
4 cubicle there.

5 Q. And who else was there that day?

6 A. I don't know.

7 Q. And you never said anything to Mr. Oram about
8 this?

9 A. No.

10 Q. I mean, you weren't shy about talking to Mr.
11 Oram when he did things that you didn't approve of,
12 right?

13 A. Some things.

14 Q. For example, when International Outdoor
15 accepted an advertisement for a Louis Farrakhan Rally,
16 you went to his office and expressed in no uncertain
17 terms your displeasure with that, right?

18 A. I kind of recall that, yeah.

19 Q. Kind of? It was a pretty loud exchange,
20 right?

21 A. I don't know if it was loud. But it was --

22 Q. Heated, right?

23 A. I don't know if -- even know if it was
24 heated.

25 Q. What did you tell him?

1 A. I can't remember.

2 Q. But you remember he signed this letter in
3 July of 2016?

4 A. Yeah, I saw that.

5 Q. How do you remember that was July of 2016,
6 not October or not the year before?

7 A. Because I remember when it happened. I
8 remember it was 2016. I can't tell you how I come to
9 that -- to my memory, but it was --

10 Q. Well, there's a lot of things you haven't
11 been able to remember very well in this deposition,
12 except you're pretty sure about July of 2016 when he
13 signed this letter, right?

14 MR. MCKENNEY: Objection,
15 mischaracterizes his testimony. We don't need to
16 berate the witness or give opinion testimony on what
17 you believe the witness is saying.

18 BY MR. BRUETSCH:

19 Q. What caused you --

20 MR. MCKENNEY: Object to the question.

21 MR. LeVASSEUR: Objection, argumentative.

22 BY MR. BRUETSCH:

23 Q. What causes what causes you to have that
24 specific recollection of July of 2016?

25 A. It's -- it was pretty over the top of what he

1 was doing, and it stuck in my -- my brain and my -- and
2 other things like was I heated during a Farrakhan
3 advertisement? I mean, I -- like I said, I kind of
4 remember not wanting it or being upset, but I don't
5 remember it being like super heated. I think I gave
6 him my opinion. Whether he acts on it is all with what
7 he --

8 Q. But when you have a disagreement -- when you
9 had disagreements with people in the office, you
10 weren't one to back down, right? You expressed your
11 opinion?

12 A. If it was strong enough to fight for it,
13 sure, I was -- I was going to stand by my opinion.

14 Q. Right. I mean, everything from "You guys
15 don't make coffee the way I like it," to, you know,
16 "Jeff Sieving, you shouldn't pray to Mary," right?

17 A. I don't -- I don't even understand that
18 question. Did I have an opinion about whether burnt
19 coffee is or if -- or if what? Jeff prays to who?

20 Q. When -- is there a gentleman at the office
21 named Ken Eads? Did you work with a gentleman named
22 Ken Eads?

23 A. Ken Eads at some point, yeah.

24 Q. And at one point you were complaining about
25 the coffee and Mr. Eads told you "Why don't you make it

1 yourself," right?

2 A. I don't remember that.

3 Q. You don't remember coming back and dumping a
4 drink on Mr. Eads?

5 A. No. I -- I do remember, actually, accidentally
6 flipping some water on him, but the -- but I don't --
7 it wasn't about coffee. It wouldn't be that. In fact,
8 I -- I -- it wasn't that at all, no. It wasn't about
9 coffee.

10 Q. And you were having a religious discussion
11 with Mr. Sieving, who is a Catholic, right?

12 A. I think he's a recent -- recently converted
13 Catholic, yeah.

14 Q. And you told him he shouldn't pray to Mary,
15 that was wrong?

16 A. I don't remember telling him that.

17 Q. Okay. Wasn't there an incident where you
18 made Amanda Elias cry because of things she had bought
19 or her father had bought for -- for her?

20 A. No.

21 Q. No? Wasn't there a procedure available in
22 the office where you could report things that you
23 didn't like anonymously if you wanted to?

24 A. No.

25 Q. No?

1 A. Not that I knew of.

2 Q. So you told Jeff Sieving about this allegedly
3 fabricated letter, right?

4 A. Correct.

5 Q. And that, again, was in October around the
6 time that they were working on the lawsuit, the first
7 time?

8 A. I don't know when I told him the first time,
9 but I told him quite a few times.

10 Q. What do you recall exactly saying to Mr.
11 Sieving?

12 A. That I witnessed Randy fabricate the letter,
13 and that -- well, to be honest -- I mean, to be honest,
14 I -- until it was going to court is when -- I didn't
15 really have that much conversation about it. It wasn't
16 until that we knew it was going to go in front of a
17 jury. From the time it was filed sometime in the fall
18 or after that, I don't even -- I couldn't even tell you
19 when or how many times I would have brought it up, but
20 once this thing was going to a trial later on, that's
21 when I made -- made my -- told him what I had saw.

22 Q. All right. And that was all verbal with Mr.
23 Sieving, right?

24 A. Yeah, because most of the time these -- these
25 lawsuits, they don't go to trial. I can't -- I can't

1 remember -- I don't even know if I can remember any
2 that -- that did before -- before this. I knew they
3 were lawsuits filed, and then they were, you know,
4 either settled or they lost.

5 Q. So the trial was in April 2018, so that's
6 when you started talking to Mr. Sieving?

7 A. About this specifically, no, I mean, I
8 probably -- I mentioned it to him before that for sure.

9 Q. Okay. And when you mentioned it to him, what
10 did you say to him?

11 A. That I -- that that letter was never sent
12 out, that I saw Randy fabricate it.

13 Q. And what did he say to you?

14 A. He said, "I don't want to hear that kind of
15 stuff."

16 Q. Do you know if he ever checked with Mr. Oram?

17 A. I don't, because I said it multiple times,
18 and I assumed he would have probably come back and
19 said, "I -- I spoke to Randy about it."

20 Q. You assume that? You don't know that?

21 A. I don't know if he did or not, no. He never
22 mentioned he did.

23 Q. You said in your affidavit in paragraph 6
24 that the computer Mr. Oram used to create the letter
25 was still in his office when you left your employment

1 with International Outdoor in July of 2018.

2 How in the world do you know that?

3 A. I could tell you that -- that his computer
4 was in the same location as it was when he -- when
5 created that letter, but if he would have changed it
6 over a weekend or something, I wouldn't have known.

7 Q. Could have been changed any time, right? Are
8 you in his office all the time?

9 A. No.

10 Q. You're not in IT, right?

11 A. No.

12 Q. So how did you swear under oath from your --
13 on the basis of your personal knowledge that you can
14 and will confirm each of the statements made below that
15 the computer Mr. Oram used to create the letter was
16 still in his office when you left your employment? You
17 have no idea, do you?

18 A. I don't. If it was the same computer, I
19 don't. It was a computer; I don't know if it was the
20 same computer.

21 Q. Yes, Mr. Oram still does have a computer, or
22 did when you left, right?

23 A. Right.

24 Q. So in paragraph 7 you say you "met with the
25 company's attorney, Jeff Sieving, to enlist his help in

1 preventing Mr. Oram from committing a fraud by using
2 the backdated letter."

3 Now, Mr. Sieving was a friend of yours at the
4 time, right?

5 A. Yeah, I would say a pretty good friend.

6 Q. You spent a lot of time in his office, right?

7 A. A lot of time.

8 Q. Mostly of the informally on just things that
9 were going on, right?

10 A. Probably 50/50.

11 Q. Okay. You describe it in paragraph 7 of the
12 affidavit as you met with him, like there was some
13 formal meeting. Was that how it happened?

14 MR. MCKENNEY: Objection, I think it
15 mischaracterizes paragraph 7.

16 A. I met with him often, yes.

17 BY MR. BRUETSCH:

18 Q. Well, was this one of the things where you
19 just stopped by his office to talk to him and it came
20 up, or --

21 A. We didn't schedule appointment --

22 Q. -- did you schedule something?

23 A. We don't schedule appointments.

24 Q. How come you never sent an email or wrote a
25 letter or put anything on paper about what you saw

1 until you signed this affidavit?

2 A. I -- why didn't I? I don't know. I was just
3 going to try to put it behind me.

4 Q. Well, obviously you didn't put it behind you,
5 right?

6 A. Right.

7 Q. You wrote a letter in September of 2018, you
8 wrote another letter, you wrote an email, all after you
9 left, right? How come instead of talking to -- strike
10 that.

11 You talked -- you say you talked to Mr.
12 Sieving on multiple occasions about this and he wasn't
13 doing anything about it, according to you. Why didn't
14 you document it? Why didn't you send him an email?
15 Why didn't you send Mr. Oram an email or Mrs. Oram or
16 somebody?

17 A. I couldn't tell you. I just brought it up
18 over and over again with Jeff. I was leaving.
19 Everybody knew I was leaving at the end of the summer.
20 The statements that I was burned out or he was letting
21 me go is BS, it never happened. I told him I was -- I
22 was leaving and he knew, because I was actually trying
23 to leave for the last couple of years, just looking --
24 looking at different places to go and -- and get back
25 in planning, and he knew that.

1 So, yeah, I told Jeff multiple times. And I
2 told Jeff that the day the -- the day the ruling came
3 down, I told Jeff, "I'm quitting," on the way home, and
4 Jeff talked me into staying.

5 Q. Okay. So I'm right, though, that the first
6 time that you put something in writing about this was
7 in the first anonymous letter that you sent
8 Mr. LeVasseur, right?

9 A. Correct, yes. Yeah, I didn't know Randy was
10 going to lie under oath and -- in trial, so.

11 Q. Well, why didn't you write something then?
12 That was in April. You were still at the company.

13 A. Yeah, I know.

14 Q. Why didn't you write something then?

15 A. I should have. I should have.

16 Q. Why didn't you contact Lamar then?

17 A. Never -- never crossed my mind.

18 Q. Why didn't you contact Mr. LeVasseur whose
19 information you had?

20 A. No, I wanted -- I was hoping Jeff was going
21 to do something. If Jeff wasn't, I was just going
22 to -- I was going to leave the end of July.

23 Q. Okay. In July of 2016, you actually went
24 shooting with Mr. Oram and Mr. Sieving and a lawyer
25 named Adam Behrendt and Rick -- Rich Rickert from

1 Lamar, right?

2 A. I don't remember that person being from
3 Lamar. I do remember Adam and Jeff and Randy and
4 myself. I don't think somebody was there from Lamar
5 that I can remember.

6 Q. There were two shooting groups, right, and
7 then you all went and had dinner? The two shooting
8 groups went to dinner, had dinner?

9 A. Yeah, I think we met up with Jim Walsh, too,
10 which was -- worked for Randy and Lamar.

11 Q. Right, and so did Mr. Behrendt, right?

12 A. Adam?

13 Q. Yeah.

14 A. Yes, I believe he did.

15 Q. Because Mr. Behrendt actually was
16 representing Lamar in front of the Auburn Hills City
17 Council trying to get that billboard approved?

18 A. Oh, that's right, he was, yeah.

19 Q. Okay. So there were two shooting group, Jim
20 walls had one with -- that you weren't part of, right?
21 And Adam Behrendt had you and Mr. Oram and Jeff
22 Sieving, right?

23 A. Yes.

24 Q. And then the two groups with Mr. Walsh, your
25 group got together for dinner, right?

1 A. Yes.

2 Q. And Rich Rickert from Lamar was at the dinner
3 because he had just been shooting with Jim Walsh,
4 right?

5 A. I don't remember him.

6 Q. Okay. You could have gone to -- to Adam
7 Behrendt or Jim Walsh about this in July of 2016,
8 right, if this disturbed you so badly?

9 A. It -- it disturbed me, but I didn't think it
10 was ever going to get to a trial. I thought Randy was
11 going to use it like he does all of his other lawsuits
12 to try to make a settlement.

13 Q. Okay, but it did go to trial in April?

14 A. Right.

15 Q. And there was testimony --

16 A. A year and a half later from when you just
17 said why didn't I say anything.

18 Q. Okay. But we're in April of 2018, you're
19 still at the company, it did go to a trial, there was a
20 verdict, and you didn't pick up the phone and call Adam
21 Behrendt, right, or email him, right?

22 A. Right.

23 Q. Or Jim Walsh, right?

24 A. I think Jim was far removed from that point.

25 Q. Or Rich Rickert, right?

1 A. I don't even know Rich Rickert, it doesn't
2 ring a bell.

3 Q. Okay, or --

4 A. I told Jeff Sieving multiple times. So I
5 told him, he's a lawyer, he could have done something
6 with it.

7 Q. But according to you, he didn't do anything
8 with it?

9 A. Correct.

10 Q. So you didn't pursue any other form of
11 redress until you wrote the letter to Mr. LeVasseur in
12 September of 2018?

13 A. Correct. The only thing I did was I was --
14 instead of leaving in late summer or after August or
15 September, I said I'm out of here in July, end of July.
16 I moved it up two months.

17 Q. But what you did do also was start working on
18 getting that billboard -- the rights to put up that
19 billboard, all the permits and everything that you
20 needed, in 2018 after the verdict, right?

21 A. That's what I do.

22 Q. Right. So you went out to the City of Auburn
23 Hills and the people out in Auburn Hills and started
24 trying to work with them to get the billboard put up,
25 right?

1 A. I think I may have submitted something to
2 MDOT. I don't think I worked --

3 Q. Yeah, there's MDOT, too.

4 A. I don't know if I worked with anybody in
5 Auburn Hills. In what context?

6 Q. Do you remember -- do you remember the city
7 attorney in Auburn Hills?

8 A. Yeah, we had -- me and Jeff had a meeting
9 with an attorney.

10 Q. What was his name?

11 A. Pardon?

12 Q. What was his name?

13 A. Jeff Sieving.

14 Q. No, the attorney for the city of Auburn
15 Hills.

16 A. I don't remember. I think it was the city
17 manager, the city attorney, I forget who else was at
18 the meeting. I think it was -- the community
19 development director was there, and --

20 Q. You don't remember Derk Beckerling --
21 Beckerleg, I'm sorry, the city attorney in Auburn
22 Hills?

23 A. I know there's a city attorney. I don't
24 remember his name being Derk.

25 Q. Do you remember that Derk did something that

1 made you upset on a phone call?

2 A. Yeah, there's -- their -- I just don't
3 remember his name being Derk, but yeah, I remember the
4 incident, and I remember meeting with him.

5 Q. Do you remember calling him a fucking
6 asshole?

7 A. Because he -- he jacked my name up what I
8 thought it was on purpose.

9 Q. What do you mean?

10 A. He -- I even forget how he named me, it was
11 like Dupa or something, but it was -- it was even worse
12 than that, and then I just called him a f -- asshole,
13 and then that was it. And then Randy made me
14 apologize, which I did, verbally and in a letter, I
15 think. So I did apologize, yes.

16 Q. Right, because you're -- the company has to
17 work with these people, right?

18 A. Right.

19 Q. Now, there was Simply Storage people you
20 could have contacted, too, after the trial, right?

21 A. The only name I saw was on the lawsuit. I
22 wouldn't know who else to reach out to.

23 Q. But you didn't reach out at that time either,
24 right, to -- to the people in the lawsuit?

25 A. No.

1 Q. One of the one -- one of the allegations that
2 I was maybe most puzzled by in your affidavit was
3 paragraph 10. Do you have that in front of you?

4 So you're aware that Lamar and Simply Self
5 Storage had taken the position in the lawsuit that
6 International Outdoor had abandoned any claim to the
7 Auburn Hills location.

8 How are you aware of that?

9 A. Jeff, I'm sure.

10 Q. Do you even know what that means in the legal
11 context?

12 A. No.

13 Q. Did you know that the judge had dismissed
14 that count, that theory in the case?

15 A. No.

16 MR. MCKENNEY: I'll object, calls for a
17 legal conclusion.

18 MR. BRUETSCH: It calls for a fact.

19 BY MR. BRUETSCH:

20 Q. Did you know it or not?

21 A. I did not know.

22 MR. MCKENNEY: I don't think it's an
23 accurate fact either.

24 BY MR. BRUETSCH:

25 Q. Did you even know what was in the lease?

1 A. I've seen the lease.

2 Q. Did you study it?

3 A. No. Why -- it's boring legal language that
4 we've seen 50 times that -- I wrote them and tweaked
5 them and done everything. I wasn't going to read it.

6 Q. So how did you know that International
7 Outdoor had abandoned any claim to the Auburn Hills
8 location?

9 MR. LeVASSEUR: Asked and answered. He
10 just told you Mr. Sieving made him aware of it.

11 BY MR. BRUETSCH:

12 Q. Did Mr. Sieving say that they had abandoned
13 the location? Did he use those words?

14 A. Yes, he must.

15 Q. Really?

16 A. Yeah. I don't know. It's -- I mean, I can't
17 remember exactly what was -- yes, if I -- the lawsuit,
18 International had abandoned any claim to the -- yeah
19 that was from Jeff. You know, the position taken by
20 Lamar/SSS, I'm not sure what that is, was and is true,
21 we at International Outdoor took no further action.

22 Q. Do you know anything about the
23 attorney-client privilege?

24 A. Maybe the basics.

25 Q. What do you know?

1 A. That it's protected, it can't be subpoenaed,
2 I guess.

3 Q. So you didn't do anything to determine
4 whether International Outdoor had abandoned the claim
5 to Auburn Hills -- the Auburn Hills location. All of
6 your information on that subject came from Mr. Sieving?

7 A. Yes.

8 Q. Okay. When did you have your conversations
9 with Mr. Faycurry about the allegedly fraudulent
10 letter?

11 A. Within the last three weeks.

12 Q. Oh, that was the -- that's the totality of
13 your conversations on that with him?

14 A. Yes. Yes.

15 Q. And then Alan White was on medical leave in
16 2016. When did you have your conversations with him on
17 the same subject?

18 A. Spring of 2018 when I was still in Livonia at
19 my apartment, we had talked.

20 Q. And that -- again, that was on the phone?

21 A. Yes.

22 Q. Okay. Paragraph 11 of your affidavit you
23 said "The Simply Self Storage Auburn Hills lease file
24 stayed in a drawer and was never brought out or spoken
25 about again until January or February 2016."

1 What drawer was it in?

2 A. The general file cabinet.

3 Q. Where?

4 A. In Randy's office.

5 Q. So how do you know it stayed in a drawer and
6 was never brought out again?

7 A. It could have been brought out, but there
8 would really be no reason to.

9 Q. Okay, but you said it was never brought out
10 our spoken about again.

11 A. In my presence.

12 Q. Oh, okay.

13 A. Ooh.

14 Q. But you didn't say in your presence. You
15 said it was just never spoken about again. Well, how
16 do you know?

17 MR. MCKENNEY: I think he's reacting to
18 is your client, who keeps reacting to him.

19 A. Exactly, but how do you know about a lot of
20 stuff? I'm telling you in my presence, to my
21 knowledge.

22 MR. LeVASSEUR: Just so you know, your
23 client's making faces at the witness.

24 THE WITNESS: Yeah, he's been doing it
25 the whole time.

1 MR. LeVASSEUR: So we would ask that
2 you ask --

3 THE WITNESS: It's been super weird.

4 MR. LeVASSEUR: -- him to please stop
5 doing that.

6 THE WITNESS: It's quite pathetic.

7 BY MR. BRUETSCH:

8 Q. In your affidavit, you swore under oath that
9 you could confirm each of these statements made below
10 from your own personal knowledge at trial, right?

11 MR. LeVASSEUR: Asked and answered.

12 BY MR. BRUETSCH:

13 Q. And so here we are again, where you said --
14 you made a very declarative statement that it stayed in
15 the drawer and never was brought out or spoken out
16 again, but you don't know if that statement is true or
17 not, correct?

18 A. I don't know if that's correct.

19 Q. Okay. And then we already -- you already
20 kind of covered this one because you covered it with
21 Mr. LeVasseur this morning, apparently, that around
22 this time in January or February 2016 a new employee,
23 James Faycurry, was hired, and you know that -- today
24 that that's not an accurate statement either, right?

25 A. Yeah, I got my dates mixed up.

1 Q. Well, when did he show up?

2 A. He showed up in January or February of 2017.

3 Q. Okay. And so when Mr. Faycurry came to
4 International Outdoor from Adams in early 2017, he
5 advised you that there had been changes in the law in
6 Auburn Hills?

7 A. No. So I knew Jim. I've met him on
8 different sites. We -- you know, we've -- I knew he
9 worked for Adams, and then when we knew Adams was
10 getting a billboard in Auburn Hills in 20 -- 2016, or
11 maybe it was 2015, we saw his name, he was presenting
12 in front of -- of -- or his name was on documents, and
13 it was just all around the same time that everything
14 kind of came to be known with the town of Gilbert
15 versus Reed, Adams putting up a billboard, Outfront
16 putting up -- we knew the -- we knew the ordinance was
17 changing, and -- and then, yeah, that's when I -- we
18 kind of knew that we should start getting on it and
19 pulled out Simply Storage.

20 Q. Yeah, and you said in paragraph 13 you
21 reviewed the file and learned that's the Simply Self
22 Storage lease had expired. Well, how did you learn
23 that?

24 A. Just by reading it.

25 Q. So you pulled the file out of Randy's office

1 where it was?

2 A. Yeah.

3 Q. And you read through it and you didn't see a
4 document in there, that's why you reached this
5 conclusion that it had expired?

6 MR. LeVASSEUR: He just told you he read
7 the lease.

8 A. Well, so -- yeah, we'd read the lease; it
9 expired. There was nothing in there about a renewal.
10 Randy was telling us to go out and search through all
11 of Alan's stuff because Alan -- you know, if -- if
12 there was a renewal letter, Alan White would have done
13 it; therefore, it's on his desktop, in his drawer, on
14 his laptop that he took back and forth, or it's
15 misplaced in one of these files.

16 Q. Did Alan White do lease renewals?

17 A. I -- I don't know. I assume he -- he did.

18 Q. You don't know one way or the other whether
19 Mr. White did lease renewals?

20 A. If he was asked to, I'm sure he did.

21 Q. Did you do lease renewals?

22 A. I've done lease renewals, yeah.

23 Q. Where?

24 A. I couldn't tell you exactly, but we've had a
25 few.

1 Q. Doesn't Mr. Oram do the lease renewals?

2 A. I've never seen Mr. Oram do a lease renewal,
3 ever. We would keep him apprised of things and he
4 would say, "Fill it out," and he might sign it or we
5 would sign it as an agent, but.

6 Q. Right. One of the things that happened in
7 the meetings when you were going through your lists
8 would be your responsibility, or if you were in a
9 meeting with Mr. White and it was his responsibility,
10 one of you would say, "Hey, Randy, the renewal is
11 coming up on this one," or words to that effect, right?

12 A. If we had knowledge of it, sure.

13 Q. Yeah. Well, and if it was your lease, your
14 project, you would know when it was going to expire,
15 right?

16 A. Yes.

17 Q. And so one of the things that was part of
18 your job was that you wanted to do was to make sure Mr.
19 Oram knew that that was coming up so he could make a
20 decision on renewal, right?

21 A. Yes. And I -- he let -- we told him of
22 leases and he didn't renew, and then some we missed.
23 There was -- there was no -- there was no formal way of
24 tracking these unless you just did it yourself, and
25 I -- I was really more focused on the leases that I did

1 because I knew if they were five- or 10-year. I didn't
2 know about other leases, but I knew some of mine
3 that -- that expired and Randy didn't send a renewal
4 to.

5 Q. Like what?

6 A. Pittsfield Township, Livonia, Southgate.

7 Q. Paragraph 14 says, "This was Alan's White's
8 lease," and you say you finally made contact with Alan.
9 When was that? Was that when he came back from his
10 illness?

11 A. He probably finally made contact with us.

12 When I finally -- "he was aware that the
13 lease had expired and he had tried to provide me with a
14 current contact number for Self...Storage, but was
15 unsuccessful."

16 That was after he came back, it might have
17 been 2017, 2018. He got sick again, so.

18 Q. So it was when he came back that you had this
19 conversation with him? It wasn't while he was out?

20 A. Yeah. But I asked him for, yeah, current
21 contact -- it must have been even in 2018 maybe, then.

22 Q. So you were still looking for Simply Self
23 Storage contact information in 2017-2018?

24 A. Not -- maybe not 2017, probably 2018 when it
25 all --

1 Q. Why were you looking for that in 2018?

2 A. No, it wasn't 2018. I don't know; I don't
3 remember. But I think it was just a follow-up to us
4 trying to get in touch with him for -- for a very long
5 time and finally making contact, and he -- he never got
6 me anything. He never got me a contact person or --

7 Q. In paragraph 15 you say that Mr. Oram
8 instructed some of you to use the Adams Outdoor
9 information and packets to put together some packages
10 for other properties in Auburn Hills.

11 Who were the few of you that were instructed?

12 A. Well, we had myself, the creative guy, I
13 know -- I even think -- I even think his son was
14 involved at that time.

15 Q. Mansour?

16 A. Yeah, Mansour. We were all kind of in that
17 Auburn Hills bubble. I know I was out looking for
18 leases from a bunch of different places. Probably all
19 of those letters are on there. I know we sent --
20 probably sent 20 letters out to people.

21 The Lamar packages were nicely put together,
22 or Adams, those packages were nicely put together,
23 not -- not too dissimilar from our packages, but, you
24 know, if they got approval, sometimes we would just
25 copy that format.

1 I mean I had my own way of doing it, but
2 Randy had the find word, so when you got something
3 successful, we're just like, well, let's just use --
4 let's just recreate this.

5 Q. How big of a job is that? How long would it
6 take?

7 A. I mean, you could put things together in a --
8 in a day, basically. You could probably -- the stuff
9 you'd be waiting on would be from creative, depending
10 on what his -- but they do their stuff in less than a
11 day, but we weren't -- we weren't take -- we weren't
12 going out and gathering information. Everything was
13 really on Google Earth, narratives that we either wrote
14 before or we were going to copy straight from what they
15 were saying, so it didn't have to be recreated, a lot
16 of it didn't have to be recreated.

17 Q. In paragraph 16 you say, "Shortly after this
18 occurred, I was checking the Auburn Hills website for
19 meeting agendas and discovered that Lamar was taking a
20 place to the planning commission for a new billboard to
21 be located on the Simply Self Storage location."

22 Did you actually figure that out or was it
23 Randy's son, Mansour?

24 A. I can't say who did it, but we all looked at
25 it and that's where we saw it, and we were convinced

1 that they -- they had it, but I -- I saw it online
2 because I downloaded it. But whether -- was I the
3 first? Maybe I was, maybe it was Randy that directed
4 us there. We knew Adams went through; we knew Outfront
5 was going through.

6 Q. And -- and you talk about this discussion
7 with Randy Oram where you advised him of this
8 development and he became extremely upset. When did
9 that occur?

10 A. It was early 2016.

11 Q. In paragraph 17, I just want to make sure
12 this is the same conversation, you say, "When I later
13 spoke to Alan White about this, he confirmed that he
14 never sent a renewal letter."

15 Was this the same conversation that we
16 referenced before when Mr. White came back from his
17 illness or was it something else?

18 A. It -- it wasn't -- it was before the 2018
19 conversation where I told him what I saw.

20 Q. So when was it?

21 A. I don't know, I talked to -- I talked to Alan
22 off and on, and there was times I didn't get in touch
23 with him for months, so I couldn't tell you exactly
24 when it was, but.

25 Q. Well, how many times did you talk to

1 Mr. White about a renewal letter on the Simply Self
2 Storage property in Auburn Hills?

3 A. Probably just the -- I mean, other than
4 telling him what I saw in 2018, probably right after
5 2016 when we couldn't -- we needed to find it and we
6 couldn't, and he would have been the only one to have
7 written it, according to what was going on in the
8 office and what we were looking for.

9 And so when we finally got in touch with him,
10 yeah, he was like, "I didn't -- I didn't write a
11 renewal letter." I didn't get into it about, you know,
12 would Randy do it or not, but I -- he -- he absolutely
13 said he did not send a renewal letter.

14 Q. Okay. From your answer I couldn't tell if
15 there was one conversation about the renewal letter
16 with Mr. White or more than one conversation.

17 A. There was just the one that he said that he
18 never sent the renewal letter, and then there was one
19 that I did say earlier in 2018, when I was at my
20 apartment talking to him on the phone, mentioned what
21 Randy was doing, and his response was, you know, "I
22 don't put it past him to do that," so.

23 MR. BRUETSCH: That's Exhibit 11B.

24 (EXHIBIT marked: Exhibit 11B.)

25 BY MR. BRUETSCH:

1 Q. So, Mr. Depa, we've handed you an email that
2 you're cc'd on, and we've marked it as Exhibit 11B.
3 It's from Jeff Sieving to scohen@auburnhills.org. Do
4 you know who S Cohen is?

5 A. S Cohen? Is that the community development
6 director?

7 Q. I'm just asking if you know. If not, that's
8 fine?

9 A. I -- no.

10 Q. But an official at -- with the Auburn -- with
11 the Auburn Hills who you would have to -- you would
12 have had to deal with in terms of getting approvals to
13 use the Simply Self Storage location?

14 A. Yes.

15 Q. Okay. Does Steve Cohen ring a bell?

16 A. Steve Cohen?

17 Q. Yeah.

18 A. No.

19 Q. Okay. So by October 5th of 2016, according
20 to your testimony, you knew that Mr. Oram had allegedly
21 fabricated this letter, right?

22 A. Yes.

23 Q. And you're cc'd on an email to an official at
24 Auburn Hills along with Derk Beckerleg, the city
25 attorney, right?

1 A. He's on there, yes.

2 Q. And Mr. Sieving is saying, "I believe you are
3 aware of the situation at the Simply Storage site at
4 1096 Doris Road. As you are aware, there is a dispute
5 at this location between International Outdoor
6 (tenant), SS MITX (landlord), and Lamar Advertising
7 (subsequent alleged tenant)," right? That's what Mr.
8 Sieving said?

9 A. I'm following along with you reading it.

10 Q. Okay.

11 A. Yes.

12 Q. So if you knew that this dispute was
13 manufactured, you just sat around and let Mr. Sieving
14 say this to the public officials in Auburn Hills?

15 A. Like I said, I wasn't at that point going to
16 do anything but let them go through their motions of
17 trying to get a settlement.

18 Q. And so would it have made you happy if they
19 had been able to reach a settlement based on a
20 fraudulent letter?

21 A. No, it wouldn't have made me happy.

22 Q. Would it have eased your conscience or
23 something?

24 A. Couldn't say.

25 Q. Would it have been acceptable to you?

1 A. Those are hypotheticals; I don't know.

2 Q. I'm just trying to get to the bottom of your
3 testimony, because you said what upset you is that the
4 jury came back with a verdict based on this allegedly
5 fraudulent testimony and letter, right?

6 A. Yes.

7 Q. But if they had just settled for a couple
8 hundred thousand, or if they had settled for the rights
9 to get a billboard or settled for something else, that
10 wouldn't have been a problem?

11 MR. LeVASSEUR: Objection.

12 MR. McKENNEY: Objection, assumes facts
13 not in evidence.

14 A. I don't even know what it would be.

15 MR. LeVASSEUR: Speculation.

16 THE REPORTER: One at a time, please.

17 A. That's a hypothetical; I don't know how I'd
18 feel.

19 BY MR. BRUETSCH:

20 Q. Okay. Then explain to me your testimony that
21 you remained silent because you just thought Mr. Oram
22 would reach a settlement?

23 MR. McKENNEY: I'll object to the form of
24 the question. I don't even understand it.

25 A. Yeah, I don't even understand the question.

1 Repeat it.

2 BY MR. BRUETSCH:

3 Q. Sure. We're just looking at this October
4 5th, 2016, email in which Mr. Sieving is telling
5 officials at the City of Auburn Hills about this
6 dispute at 1096 Doris Road, which, according to your
7 testimony, you know is manufactured, fraudulent, right?

8 A. Yes.

9 Q. And you're not saying anything. You didn't
10 respond to this email or call Mr. Beckerleg or call
11 Steve Cohen and say, "Hey, look, that email that Jeff
12 Sieving sent you, you know, it's based on a fraud."
13 You didn't do anything like that, right?

14 A. Correct, I did not do anything.

15 Q. And you didn't do anything like that because
16 you just thought it was going to settle, right?

17 A. I didn't know where it was going.

18 MR. BRUETSCH: That's 16.

19 (EXHIBIT marked: Exhibit 16.)

20 BY MR. BRUETSCH:

21 Q. So, Mr. Depa, we've handed you Exhibit 16,
22 which is an email dated March 5th, 2018, from you to
23 Mr. Sieving and Mr. Oram, and it looks here like you're
24 updating them to a conversation you had with Melissa
25 Staffeld. Is that right?

1 A. Yeah.

2 Q. And Melissa Staffeld was with the State of
3 Michigan?

4 A. Yes.

5 Q. And MDOT?

6 A. Yes.

7 Q. She was a person you would have to deal with
8 to get billboard approvals along state highways?

9 A. Yes.

10 Q. And here you're talking about some deadlines
11 for billboards, and you want to apply -- you're
12 advising that if you apply by May 18th to override any
13 attempt to -- from Lamar to renew the location's
14 approval, right?

15 A. That's what it says.

16 THE REPORTER: Renew the what of
17 approval?

18 MR. BRUETSCH: Locations.

19 BY MR. BRUETSCH:

20 Q. Okay, so why are -- why are you dealing with
21 Ms. Staffeld?

22 A. About the lag time and the issuing of a
23 show --

24 THE REPORTER: If you speak I need to
25 hear you, please.

1 THE WITNESS: Okay.

2 A. I'm not sure what I will find that email is,
3 but we were -- it looks like we were trying to beat
4 Lamar to a location.

5 BY MR. BRUETSCH:

6 Q. In Auburn Hills, right? That's what the
7 subject is?

8 A. Yeah.

9 Q. You dealt with Ms. Staffeld in 2018 about the
10 Simply Storage site, right?

11 A. I can't remember if I did or not.

12 Q. Okay.

13 MR. BRUETSCH: This will be 19.

14 (EXHIBIT marked: Exhibit 19.)

15 BY MR. BRUETSCH:

16 Q. So, Mr. Depa, we're handing you what we've
17 marked as Exhibit 19, an email, it looks like it's
18 forwarded from yourself to Mr. Oram and Mr. Sieving,
19 but what you're forwarding are some communications on
20 the first page with -- between yourself and Ms.
21 Staffeld, right?

22 A. Looks like I'm forwarding her response to me.

23 Q. Right. And on the second page there's some
24 other correspondence with Mr. Steve Cohen, right?

25 A. To Jeff, yes.

1 Q. Right. So this -- if you go up to the very
2 first email in the chain, so it's on the -- starts on
3 the second page from the back --

4 A. Second page from the back?

5 Q. Yeah, it's the earliest email in the chain.
6 It's October 5th, 2016.

7 A. Mm-hm.

8 Q. Mr. Sieving emailing Mr. Cohen, you're cc'd,
9 Mr. Beckerleg is cc'd, right?

10 A. Yes, I'm on there.

11 Q. Okay. And so this is that email we looked at
12 previously where Mr. Sieving is telling Mr. Cohen about
13 the dispute at the Simply Storage location, right?

14 A. I don't know, you're confusing me. I'm not
15 sure what you're saying. This is part of what Jeff --

16 Q. Let me restate the question.

17 A. Yeah, please do.

18 Q. So the earliest email in time in this email
19 chain, Mr. Sieving is informing Mr. Cohen, "I believe
20 you are aware of the situation at the Simply Storage at
21 1096 Doris Road," right?

22 A. Okay.

23 Q. And then Mr. Cohen answers him in the email
24 immediately above it on October 6th, 2016, where he
25 says he doesn't have a record of MDOT zoning for 1096

1 Doris Road, right?

2 A. Yeah.

3 Q. Okay. And then there's a few other emails as
4 we go further up the chain, all right? And then
5 finally we get to, on the very first page, an October
6 6th, 2016, email where you're talking to Melissa
7 Staffeld.

8 A. Okay.

9 Q. Right?

10 A. Yes.

11 Q. Okay. And you're trying to get -- you're
12 trying to understand if you can submit billboard
13 applications without submitting a sign zoning
14 certification. You're doing your job with
15 Ms. Staffeld, right?

16 A. I hope so, yeah.

17 Q. Why are you dealing with her on this Simply
18 Storage location?

19 A. It's my job.

20 Q. Okay. So this is October of 2016. You --
21 according to your testimony, you're aware that
22 International Outdoor's interest in this Simply Storage
23 property is fraudulent, yet you're going out to the
24 State of Michigan and advancing International Outdoor's
25 cause to get a billboard on this location?

1 A. Like I said, I'm doing what I'm told to do.

2 Q. Didn't feel the need to say anything to

3 Ms. Staffeld at MDOT that this was a fraud?

4 A. No.

5 Q. Does that give you a guilty conscience?

6 A. Maybe.

7 Q. So you were fine to go along with this, this

8 alleged fraud, back in October of 2016 when you were

9 talking to the State?

10 MR. LeVASSEUR: I -- objection, I think
11 it's a mischaracterization of evidence to suggest that
12 what he's doing here is a fraud, involved the State.
13 There's no fraud here on the State at all. Whether the
14 lease was renewed or not is a different matter from
15 dealing with the State in requesting a permit.

16 MR. BRUETSCH: All right, thanks for the
17 speaking objection.

18 MR. LeVASSEUR: You're welcome.

19 BY MR. BRUETSCH:

20 Q. You actually participated, Mr. Depa, in
21 developing a post-verdict timeline after the jury came
22 back with its verdict in the lawsuit, right, where
23 you -- you and others went through all the factual
24 information about what Lamar was trying to do to get a
25 billboard up on the Simply Storage location after the

1 jury verdict?

2 A. I don't think so. I might have.

3 Q. You might have?

4 A. Do you have it?

5 Q. Sure.

6 A. Refresh my memory.

7 MR. BRUETSCH: This will be 20.

8 (EXHIBIT marked: Exhibit 20.)

9 BY MR. BRUETSCH:

10 Q. Do you recognize this document?

11 A. Actually, I don't really, but.

12 Q. No? You don't remember participating with
13 other folks at International Outdoor to document how
14 Lamar was trying to get billboard approvals up on the
15 Simply Storage location even after the jury's verdict?

16 A. No.

17 Q. No? Okay. I mean, after the jury verdict,
18 from your point of view -- I mean, Alan White was not
19 around at that point, right? He was still out sick,
20 right?

21 A. I think he became sick again, yeah.

22 Q. Yeah. So Mr. Oram needed you to help do the
23 heavy lifting in getting the right approvals and
24 everything that was necessary to put a billboard up on
25 that Simply Storage site, right?

1 A. Correct.

2 Q. And you did it, right?

3 A. Amongst anything -- I did what I was there to
4 do so I would be able to keep my job and get a
5 paycheck, so.

6 Q. Yeah, and in addition to getting a paycheck,
7 if you had gotten that billboard built, you would have
8 gotten a bonus, right?

9 A. Maybe a thousand bucks, maybe it was 500. I
10 don't even remember.

11 Q. Okay. When --

12 A. We didn't have a contract at the time, so.

13 Q. When you -- in 2016?

14 A. Well, I thought you were talking about 2018.

15 Q. Well, I'm talking about after the verdict.

16 A. Which was 2018.

17 Q. I'm sorry, you're right. Thank you for the
18 correction.

19 So -- but you would have gotten a bonus --
20 that's typically what happened? When a project you
21 were working on, you got a billboard up, you were paid
22 a bonus?

23 A. I can't remember if it was in that last
24 contract. I think we -- we had some there, there was
25 some bonuses for leases. I don't know if there was any

1 for -- I don't know, do you have the last one? I mean
2 it may have -- our last year we didn't have a -- we
3 didn't have a contract. I told him I was leaving, and
4 we were like, "Just leave things the way they are."

5 Q. And so you don't remember if you got bonuses
6 in 2018 or not?

7 A. I don't think I did get any bonuses in 2018,
8 because I don't think we got anything built, and if
9 we -- that would be the only way I would get a bonus.

10 Q. Well, he gave you a -- Mr. Oram gave you a
11 bone when you left the job, right, 2500 bucks?

12 A. I don't know what that was, if it was a bonus
13 or what, but.

14 Q. It wasn't money that you were contractually
15 owed, right?

16 A. No.

17 Q. And so after the jury verdict, you were part
18 of the team trying to get a billboard built on the
19 Simply Storage location?

20 A. For the -- yeah, for the two-and-a-half
21 months I was there, the two months I was there, yeah, I
22 would have -- I would have helped out.

23 Q. And that required you to deal with officials
24 from the City of Auburn Hills, right?

25 A. Yeah, I'm not sure if we did, though, in that

1 two months' period.

2 Q. Well, we've seen some emails over the 2016 to
3 2018 period where you're dealing with --

4 THE REPORTER: I can't hear you.

5 THE VIDEOGRAPHER: Would we want to take
6 a break and talk to them?

7 MR. BRUETSCH: Yeah, why don't we go off
8 the record for a minute.

9 THE VIDEOGRAPHER: Going off the record
10 at 5:24 p.m.

11 (A recess was taken from 5:24 to 5:36.)

12 THE VIDEOGRAPHER: We are back on the
13 record at 5:36 p.m.

14 (EXHIBIT marked: Exhibit 20B.)

15 BY MR. BRUETSCH:

16 Q. Mr. Depa, this is a -- Exhibit 20B is an
17 email from you dated Tuesday, April 24th, 2018, to Alan
18 Sawalha, S A W A L H A?

19 A. Mm-hm.

20 Q. Who is Alan Sawalha?

21 A. He's a surveyor that we used on many, many
22 occasions.

23 Q. So an outside -- outside contractor?

24 A. Yes.

25 Q. And you tell Mr. Sawalha that the Simply

1 Storage site plan is the number one priority -- is
2 our -- International Outdoor's number one priority,
3 right?

4 A. Yes.

5 Q. And what's the site plan? What is that?

6 A. Doing a survey of the property and then we,
7 typically, if -- if a survey is fine, we can put a
8 billboard placement on it. If not, then I mark it up
9 with items -- whatever the required site plan data
10 information is needed per City.

11 Q. Okay. So you were responsible for working
12 with Mr. Sawalha to get the site plan for the Simply
13 Storage location done --

14 A. Yes.

15 Q. -- as of -- as of April 24th, 2018, right?
16 That was part of your task on getting that site ready?

17 A. Yes, it was.

18 Q. Now, you mentioned at the beginning of the
19 deposition -- toward the beginning of the deposition
20 some communications you had with a gentleman named
21 Steve Shaya, S H A Y A? Is that right?

22 A. I think so.

23 Q. You think so? I think so, too.

24 How did you first come to meet Mr. Shaya?

25 A. He came to the -- he just showed up at work

1 one day, introduced to us by Randy. I think they were
2 old friends, could be wrong. But it was at -- at the
3 Farmington Hills office.

4 Q. Okay. So Mr. Shaya did work for
5 International Outdoor as well?

6 A. Yes.

7 Q. Do you know when he started?

8 A. No.

9 Q. Did you know him before he started?

10 A. No.

11 Q. Any idea how long you've known him for?

12 A. I think he got brought in when -- when Alan
13 got sick.

14 Q. Okay. What was his job?

15 A. He did similar things that I did, but I think
16 he did a lot of extra stuff for Randy that I wasn't
17 aware what he was doing.

18 Q. So how do you know he was doing extra stuff
19 for Randy?

20 A. Well, because he was -- he was busy. I mean,
21 a lot of stuff that he was doing wasn't procuring
22 leases like I do.

23 Q. Okay.

24 A. So whatever he was doing, it was something
25 other than what I typically do.

1 Q. Okay. But you just don't know what those
2 duties were?

3 A. I don't know what they were.

4 Q. Okay. Did you become friends with Mr. Shaya?

5 A. Yeah, I believe we were friends, sure.

6 Q. Is Mr. Shaya, as far as you know, a
7 particularly religious person?

8 MR. MCKENNEY: Objection, foundation.

9 A. He mentions it from time to time.

10 BY MR. BRUETSCH:

11 Q. Did the two of you have religious
12 discussions?

13 A. I don't remember.

14 Q. Okay. Did you know him to be a violent
15 person?

16 A. No.

17 Q. When he called you the first time, he -- he
18 was talking about religion quite a bit in the first
19 conversation, wasn't he?

20 A. I mean, it came up, but I don't know what you
21 mean by "quite a bit." I mean he --

22 Q. He said he had this new pastor and he was
23 going to this church, right?

24 A. I think he said -- I don't ever remember him
25 saying that. I think he might have said there was --

1 the sermon was a good sermon.

2 Q. Okay. And you talked about an affidavit that
3 he had been asked to write, correct?

4 A. Yes.

5 Q. And you were concerned, and you asked him
6 about whether he was going to write an affidavit that
7 said you were racist?

8 A. Right.

9 Q. And he didn't believe that what you said in
10 of the affidavit was true, right? He expressed that?

11 A. No.

12 Q. No?

13 A. He didn't tell me that.

14 Q. Did he -- did you ever tell Mr. Shaya what
15 you claimed to have observed Mr. Oram doing with the
16 Simply Storage renewal letter?

17 A. No. He called me out of the blue.

18 Q. Mr. Shaya -- well, you tell me.

19 What did Mr. Shaya say in the first phone
20 call?

21 A. "What are you doing? Why you doing it?
22 Randy's a good guy. You're a good guy. This is going
23 to get ugly. It's going to cost you." Yeah, he was
24 like, "It's going to disrupt your life completely.
25 They're going to take depositions from your current

1 employee, your past employees, your mom, your daughter.
2 Your going to have to spend thousands on attorneys."
3 And -- and he said, "It's just going to get bloody.
4 It's just going to get dragged out and bloody and you
5 never know what's going to happen."

6 Q. When he said it was going to get dragged out
7 and bloody, what did -- how did you understand the
8 connotation of what said?

9 A. I was nervous, man. Come on.

10 Q. Did you take that as a physical threat?

11 A. Yes.

12 Q. So he said it was in the content of it was
13 going to be ugly, they were going to depose people, it
14 was going to be bloody, and you don't associate the
15 bloody with the "it's going to be ugly, they're going
16 to depose all these people," you think all of a sudden
17 he switched to threatening you physically?

18 A. You're saying he switched. You didn't -- you
19 weren't there, you didn't see con -- you didn't see his
20 tone, his conversation. It sounded like a threat.

21 Q. Okay. What else did he say?

22 A. "Just rescind your affidavit."

23 Q. Okay.

24 A. Over and over again, "Rescind your" --

25 Q. So you were afraid after that conversation?

1 A. Well, yeah. I mean he -- he was literally
2 telling me that "They're going to destroy your life if
3 you don't rescind this affidavit," and the words "it's
4 going to get bloody."

5 Yeah, how -- how would anybody take that?

6 Q. I don't want to know how anybody would take
7 it; I want to know how you took it.

8 A. I took it as a threat.

9 Q. You thought somebody was going to come out
10 and get you?

11 A. Maybe.

12 Q. I mean, you told Mr. LeVasseur, "I have to
13 say I do get a little nervous when I go out the night."

14 A. I did.

15 Q. I mean, is that really how you felt?

16 A. Yes.

17 Q. Okay. Now, before you sent the email to
18 Mr. LeVasseur, did you talk to him about threats?

19 A. Talk to who?

20 Q. Mr. LeVasseur?

21 A. No.

22 MR. BRUETSCH: That's 21.

23 (EXHIBIT marked: Exhibit 21.)

24 BY MR. BRUETSCH:

25 Q. All right, this is an email that you wrote to

1 Mr. LeVasseur Sunday, July 21st, 5:33 p.m., right?

2 A. Yes.

3 Q. And the first thing you say is "So you were
4 right, the threats are coming." So had you had some
5 prior conversation with Mr. LeVasseur about threats?

6 A. Yeah.

7 Q. What was that conversation?

8 A. I can't remember. It was just "They're going
9 to threaten you," or "Let me know if there's any
10 threats." That's what he -- that's what he said, "Just
11 let me know if there's any threats," so I said, "All
12 right."

13 Didn't hear any at the time, and then in this
14 thing, it was like, "Yeah, you're right, the threats
15 are coming."

16 Q. So why did you, after you sent this email to
17 Mr. -- well, strike that.

18 Give me a -- relate this email in time to
19 this phone call from Mr. Shaya. Did you send it right
20 away?

21 A. Yeah, I sent it I think pretty much right
22 afterward, within a half hour.

23 Q. Okay. And then since you were so scared
24 after Mr. Shaya's call, how come after you sent this
25 email to Mr. LeVasseur you texted Mr. Shaya and asked

1 him to call you back?

2 A. I wanted to get him on tape.

3 Q. Mm-hm. Did you tape the first call?

4 A. No.

5 Q. Okay. Did you tape the second call?

6 A. Yeah, but it was just -- it wasn't the same.

7 He clarified then.

8 Q. What did he clarify?

9 A. That the threats were -- I forget how he said
10 it. That, you know, they were -- he didn't say it was
11 like -- like -- like physical, but they're -- "They're
12 going to -- it's going to be bloody, everything dealing
13 with the lawyers and everything like that," so he did
14 clarify it.

15 Q. All right.

16 A. But that was after I wrote this.

17 Q. Okay. So he basically said to you -- I don't
18 want to put words in your mouth; you tell me what's
19 right and what's wrong or if I have the connotation or
20 if I don't, but basically, "Hey, you got me all wrong.
21 I wasn't saying somebody's going to put a hit out on
22 you or something, I was just saying this is going to
23 get ugly, there's going to be depositions, you're going
24 to get involved," et cetera.

25 Is that what he said?

1 A. Yeah, after I wrote this.

2 Q. Okay. And did that set your mind at ease?

3 A. Oh, a little bit, not completely.

4 Q. And he told you in both calls, right, that
5 Randy had not set him up to call you, that he was doing
6 it on his own, right?

7 A. Yes, he did.

8 Q. After the first call, did you do anything
9 else besides sending this email to Mr. LeVasseur to
10 report these alleged threats?

11 A. I don't know if they're alleged. At the time
12 they seemed pretty real.

13 Q. Okay, that's not the answer to my question,
14 though.

15 A. So what's your question again?

16 Q. Did you tell or report it to anybody else?

17 A. No.

18 Q. File a police report?

19 A. No.

20 Q. So you told Mr. LeVasseur, and then you
21 texted Mr. Shaya and told Mr. Shaya to call you back,
22 and you had a second conversation that you taped,
23 right?

24 A. Mm-hm.

25 Q. Still have the tape?

1 A. I think so.

2 Q. Where is it?

3 A. It's on my phone.

4 Q. And you also called Mr. Shaya back five days
5 later -- I'm sorry, make sure I get that right.

6 Yeah, five days later, you called Mr. Shaya
7 again, right?

8 A. I don't think so, no. That was the last I
9 talked to him.

10 Q. I didn't say you talked to him, but you
11 called him, right? You just didn't reach him?

12 A. I didn't purposely call him.

13 Q. Well, if Mr. Shaya has a missed call from you
14 on July 26th, 2019, can you explain that?

15 A. Yeah, it was an accidental call.

16 Q. Did Mr. Shaya call you back?

17 A. No, because I think it was just like started
18 to ring and I hung up, I noticed that it was there and
19 I didn't want to -- it wasn't somebody I was trying to
20 reach so I just hung up.

21 Q. Okay.

22 A. That happens all the time.

23 Q. Did you reach back out to Mr. LeVasseur and
24 tell him about that second call and that Mr. Shaya had
25 explained what he meant in the first call?

1 A. No, because he -- he didn't explain until I
2 asked him, so, of course, what was he going to say?
3 You know, I didn't -- I don't know if I completely
4 believed him.

5 Q. My question was just whether you had reached
6 back out to Mr. LeVasseur.

7 A. Nope.

8 Q. Back in August of 2016 after you left
9 International Outdoor, you sent an email to both Mr.
10 Oram and to Mr. Sieving and you asked them to critique
11 your resume, right?

12 MR. MCKENNEY: I'll object to the
13 question. August 2016?

14 MR. BRUETSCH: '18, sorry.

15 A. I might have.

16 BY MR. BRUETSCH:

17 Q. Why did you do that?

18 A. Couldn't say.

19 Q. I mean, according to you, Mr. Oram's a -- you
20 know, a thief and a fraudster, right? You want his
21 help -- you're reaching out to him to ask for help for
22 your resume?

23 A. I don't have anything personally against Mr.
24 Oram.

25 Q. And he gave you some help, too, right? He

1 gave you comments on the resume?

2 A. I don't -- I don't remember.

3 Q. So did Mr. Sieving, right?

4 A. If it's there, they -- they did, and I
5 appreciate it, whatever it was. Whether I used it, I'm
6 not sure, but, I mean, I was -- my job almost 20 -- 50
7 hours a week was looking for a job, so.

8 Q. You had mentioned earlier that one of the
9 things you had to do was get like the electrical done
10 on the billboards, right?

11 A. Yes.

12 Q. And you used a company called Fairfax
13 Electric for that work?

14 A. Sometimes.

15 Q. Is that owned by a friend of yours?

16 A. An acquaintance.

17 Q. Acquaintance? Who is that?

18 A. Um, I'm just drawing a blank. I'm drawing a
19 blank. Do you have it?

20 Q. I'm sorry?

21 A. I'm just drawing a blank.

22 Q. Okay.

23 A. I can't think of his name right off the top
24 of my head.

25 Q. Who else did you use for electric?

1 A. I don't know, three or four other people.

2 Q. Like who?

3 A. Oh, I don't know, you'd have to go back and
4 look through all -- you know, some of them were friends
5 of Randy's, some of them worked on Randy's house. I
6 can't remember those names; Randy would be able to come
7 up with them.

8 Q. Okay.

9 A. But there was multiple people.

10 Q. Fairfax Electric had prices that were over
11 market, right, higher?

12 A. I don't think so.

13 Q. No? Do you remember --

14 A. I think they were lower than a lot of other
15 people.

16 Q. Do you remember bugging Mr. Oram about paying
17 their bills?

18 A. Paying whose bills?

19 Q. Fairfax Electric's.

20 A. If they had bills, yeah.

21 Q. Were you aware that Lamar had built a
22 nonconforming billboard in violation of the law in the
23 City of Detroit? Do you remember that subject coming
24 up?

25 A. No.

1 Q. No? You had a file on it on your computer.

2 A. Did I?

3 Q. Yeah. Pictures, right?

4 A. Of?

5 Q. Of the nonconforming billboard.

6 A. From Lamar?

7 Q. Yeah.

8 A. Was it the one where they moved like the pole

9 just over a little bit? I mean, I don't remember.

10 Q. You don't remember what's in your file?

11 A. Give me -- the location, I'm not sure.

12 Q. City of Detroit?

13 A. City of Detroit. I think me and Randy

14 recognized together there was a sign that was moved, if

15 I can remember that right.

16 Q. Okay, and -- moved or rebuilt?

17 A. Rebuilt.

18 Q. Okay. So it was kind of grandfathered in and

19 they rebuilt it?

20 A. Yeah, but you still can't move them. You

21 still can't move them.

22 Q. I mean, did you do anything about that one?

23 A. No.

24 Q. Why not?

25 A. I mean, I'd have to go through -- it wasn't

1 my place to prove it, prove it or disprove it. I
2 didn't even -- we didn't even know if they -- maybe
3 they got some exemption. We were just -- everything
4 was under assumption. We didn't go and look and see if
5 they actually had got City of Detroit or State of
6 Michigan approval.

7 Q. Are you a note taker? Do you kind of take
8 notes of your conversations or meetings?

9 A. Sometimes.

10 Q. I mean, some people would describe you as a
11 meticulous organizer who documents everything. Do you
12 think that fits you?

13 MR. MCKENNEY: Objection, form and
14 foundation.

15 A. Probably not exactly. I mean, I -- I'm
16 pretty driven and I try to get things done, but I don't
17 know about meticulous in note taking. Maybe that's why
18 I can't remember a lot of things, because I don't -- I
19 focus on what's important, and some of this stuff
20 that's not important, I just -- it doesn't seem
21 relevant.

22 Q. Did you ever hear Mr. Oram threaten anyone?

23 A. He's got pretty loud at times with people,
24 but, you know, hearing one side of the conversation, I
25 don't know what's going on.

1 Q. I mean, I'm talking physically threatening
2 people.

3 A. Don't know.

4 Q. Don't know, never heard it?

5 A. I can't remember if I did.

6 Q. I mean, if you -- you wouldn't have worked
7 for somebody who you thought was physical -- going
8 to -- was physically threatening people, would you
9 have?

10 A. I wouldn't -- I wouldn't want to, but, I
11 don't -- I mean, that's an open-ended question. I
12 don't even really understand why you're asking it.

13 But no, I wouldn't probably want to work for
14 somebody. Would I? Who knows.

15 Q. Well, you asked for, like, pay advances from
16 Mr. Oram from time to time, right?

17 A. I think we just did it yearly.

18 Q. And when you asked for them he gave them to
19 you, right?

20 A. Yeah, he's -- he's a negotiator. He would
21 negotiate it down or whatever, he'd negotiate it to
22 "What do you want?" We'd come to an agreement.

23 MR. BRUETSCH: Why don't we take a
24 five-minute break? I think we're almost done.

25 THE VIDEOGRAPHER: Okay, going off the

1 record at 5:59 p.m.

2 (A recess was taken from 5:59 to 6:12.)

3 THE VIDEOGRAPHER: We are back on the
4 record at 6:12 p.m.

5 BY MR. BRUETSCH:

6 Q. All right, Mr. Depa, I won't keep you too
7 much longer.

8 Are you aware that on more than one occasion
9 while you were employed at -- or, I'm sorry, while you
10 were an agent of International Outdoor, the IT system
11 suffered from viruss?

12 A. No.

13 Q. You don't remember that happening ever?

14 A. No.

15 Q. Do you think if there was a virus that went
16 through the system you'd know?

17 A. If it affected our work, if the server was
18 down or -- maybe.

19 Q. Do you remember -- you talked about Joe
20 Cimino earlier. Do you remember an occasion where Joe
21 clicked on a link in an email and it sent a virus
22 through the entire IT system?

23 A. No.

24 Q. Okay. You mentioned Mr. Cimono earlier as
25 one of the individuals from International Outdoor that

1 you'd had some communications with since May of 2019.

2 What were those communications?

3 A. It might have been before May, I don't know,
4 because I think they were -- told his office not to --
5 to reach out to me. But all of or conversations were
6 just either about either one's daughter, football, or I
7 sent him some pictures of, like, what I'm doing. He
8 was asking me, like, "What does your office look like?"
9 You know, "Do you have a window?" You know, stuff like
10 that.

11 Q. Okay.

12 A. Nothing about anything work related.

13 Q. When were you asked to come meet with the
14 attorneys for Simply Self Storage and Lamar today?

15 A. When was -- when was I asked by them to come
16 here today?

17 Q. Yeah, we'll start with that one. I actually
18 meant it the other way, but go ahead.

19 A. It might have been three weeks ago that --
20 maybe two weeks ago that it was possible, and then it
21 was just "Hang on, I'll give you details if it -- if
22 it's going to -- if it's going to come."

23 Q. Okay. What time were you asked to come here
24 to meet with them today?

25 A. I thought they said the deposition was at

1 noon, so I was kind of surprised when I got that thing
2 yesterday and it said 2:30.

3 Q. Okay. You didn't know that you were going to
4 have a sit-down prep session with them before the
5 deposition?

6 MR. MCKENNEY: Objection, form and
7 foundation, assumes facts not in evidence.

8 A. It was I think just mentioned in passing,
9 like, "If you come early, we can meet," you know, so I
10 came --

11 Q. So what time did you expect to meet with them
12 today?

13 A. I was planning on coming up at 11:00, the
14 deposition being at noon, but then I decided I'll get
15 there when I get there, because they were -- I knew
16 they were flying in, so I think -- I think I didn't
17 meet up with them until like 12:30, maybe 1:00,
18 maybe -- I don't know, maybe a little bit later.

19 Q. You said in your affidavit that you learned
20 the Simply Self Storage leases had expired. How did
21 you learn that?

22 A. By pulling it out of the drawer when we were
23 looking.

24 Q. You actually read through the lease?

25 A. It's not much to read. I mean, it's a

1 five-year term, and it's pretty many much five years
2 from the date it was signed, so.

3 Q. And why did you just assume that there was no
4 lease renewal at that point? Just because it wasn't in
5 the folder?

6 A. I think when I brought it out and I was like,
7 "This looks like it expired," went to Randy, Alan
8 wasn't available, and we're like, "Oh, crap, we got to
9 find some renewal letter." So it's kind of an eureka
10 moment for all of us.

11 MR. BRUETSCH: Okay, I have no further
12 questions at this time.

13 MR. LeVASSEUR: I have no questions.

14 MR. MCKENNEY: I have one question.

15

16 EXAMINATION

17 BY MR. MCKENNEY:

18 Q. Earlier you testified that you had sent
19 some -- or kept some PUD applications that
20 International Outdoor -- that you had done at
21 International Outdoor, correct?

22 A. Not applications, just like the packets we
23 would put together for, you know, a ZBA or a planning
24 case. The PUD files I think we had were the two that
25 were filed for I think -- I think we might have had all

1 three, Adams, Upfront, and then what Lamar submitted,
2 those were all PUD -- because that's how -- that's how
3 you could get a billboard in Auburn Hills was --
4 through a PUD was the only way.

5 I don't think -- I don't think we did PUD --
6 PUDs. We -- we were putting together our application
7 for Simply Storage, but we weren't -- I don't think
8 we've ever done a PUD.

9 MR. MCKENNEY: No other questions.

10 THE WITNESS: Yeah.

11 THE VIDEOGRAPHER: Okay. I don't think
12 we're done yet. Are we done?

13 MR. BRUETSCH: Hang on one second.

14 THE VIDEOGRAPHER: Yeah.

15

16 FURTHER EXAMINATION

17 BY MR. BRUETSCH:

18 Q. So these PUDs -- these PUD packets and other
19 information that you have from International Outdoor,
20 how did you obtain those? Did you -- did you download
21 them? Did you copy them?

22 A. Downloaded them from the -- from the Auburn
23 Hills website.

24 Q. No, I mean the International Outdoor
25 documents. How did you -- how do you physically end up

1 with them today? I mean, I know you said they're on
2 your computer. How did they get there?

3 A. Through an email.

4 Q. Did you email them to yourself?

5 A. Yeah.

6 MR. BRUETSCH: All right, no further
7 questions.

8 THE VIDEOGRAPHER: Okay, going off the
9 record at 6:20 p.m.

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