

Shaya (Shea) References

From: Patrick Depa
Sent: Sunday, July 21, 2019 5:33 PM
To: Christopher LeVasseur
Subject: Re: International Outdoor

Hi Chris,

So you were right, the threats are coming I received to phone calls from a person I used to work with, Steve Shea, a friend of Randy's.

The first phone call came a couple of days ago where Steve said I should recant what I wrote in my affidavit because Randy and his lawyers are going to sue me until I am broke, get personal with me and my past, call my mother and kids by subpoena and wreak all future job opportunities. Also, he said they will come into my employment and interview my bosses too.

Then just now he called me and said he just went to church and said that sin is punishable by death. That I should just write him an affidavit recanting all of what I said so he could get it to Randy. He said "Patrick just end all of this nonsense before this ends in blood shed". I said "I hope it doesn't lead to blood shed" and Steve said "But you just don't know".

I have to say I do get a little nervous when I go out at night. Let's touch base either tomorrow or Tuesday. I might have some time tomorrow morning but my afternoon and evening, with a night meeting, is packed.

Pat

On Jul 17, 2019, at 7:01 AM, Christopher LeVasseur <clevasseur@starkreagan.com> wrote:

Good morning Patrick; can you give me a call when you have a chance? I want to give you a status update; either office (248-641-9955) or cell (248-310-6931) is fine.

Christopher E. LeVasseur
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<image001.jpg>

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About Shaya:

BY MR. BRUETSCH [Question]: What about former employees or former contractors of International Outdoor, any texts with any of those people since May 1st?

Pat Depa [Answer]: Probably just maybe Alan White.

[Question]: Anybody else?

[Answer]: Merna. I don't know her last name.

[Question]: Is Merna the receptionist at International Outdoor?

[Answer]: She was, she was. She's a former.

[Question]: Okay. Anybody else?

[Answer]: Steve Shaya called me, and we had no emails. He texted me one day to see if he could call me and I just texted back to say, "No, I'm working." So it was the only one text, but had two -- two conversations with him on the phone. *Deposition p 7, ln 4-18*

BY MR. BRUETSCH [Question]: All right, and with respect to Mr. Shaya, I think you identified two phone calls, right?

Pat Depa [Answer]: Yes.

[Question]: And were there texts as well? I think you said there were.

[Answer]: There was one. Like I said, he just texted me if I could talk and I said no. *Deposition, p 17-18, ln 24-5*

BY MR. BRUETSCH [Question]: Okay. Were there any other individuals who had the same or similar position as you at International Outdoor?

Pat Depa [Answer]: I would say Alan White.

[Question]: Okay, are you --

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

[Question]: Okay, were you part of any particular department? Did the department have a name? Was there a department?

[Answer]. Unofficially called it real estate department. *Deposition, p 36-37, ln 21-12*

BY MR. BRUETSCH [Question]: Now, you mentioned at the beginning of the deposition -- toward the beginning of the deposition some communications you had with a gentleman named Steve Shaya, S H A Y A? Is that right?

Pat Depa [Answer]. I think so.

[Question]: You think so? I think so, too. How did you first come to meet Mr. Shaya?

[Answer]. He came to the -- he just showed up at work one day, introduced to us by Randy. I think they were old friends, could be wrong. But it was at -- at the Farmington Hills office.

[Question]: Okay. So Mr. Shaya did work for International Outdoor as well?

[Answer]. Yes.

[Question]: Do you know when he started?

[Answer]. No.

[Question]: Did you know him before he started?

[Answer]. No.

[Question]: Any idea how long you've known him for?

[Answer]. I think he got brought in when -- when Alan got sick.

[Question]: Okay. What was his job?

[Answer]. He did similar things that I did, but I think he did a lot of extra stuff for Randy that I wasn't aware what he was doing.

[Question]: So how do you know he was doing extra stuff for Randy?

[Answer]. Well, because he was -- he was busy. I mean, a lot of stuff that he was doing wasn't procuring leases like I do.

[Question]: Okay.

[Answer]. So whatever he was doing, it was something other than what I typically do.

[Question]: Okay. But you just don't know what those duties were?

[Answer]. I don't know what they were.

[Question]: Okay. Did you become friends with Mr. Shaya?

[Answer]. Yeah, I believe we were friends, sure.

[Question]: Is Mr. Shaya, as far as you know, a particularly religious person?

BY MR. McKENNEY: Objection, foundation.

[Answer]. He mentions it from time to time.

BY MR. BRUETSCH: [Question]: Did the two of you have religious discussions?

Pat Depa *[Answer].* I don't remember.

[Question]: Okay. Did you know him to be a violent person?

[Answer]. No.

[Question]: When he called you the first time, he -- he was talking about religion quite a bit in the first conversation, wasn't he?

[Answer]. I mean, it came up, but I don't know what you mean by "quite a bit." I mean he --

[Question]: He said he had this new pastor and he was going to this church, right?

[Answer]. I think he said -- I don't ever remember him saying that. I think he might have said there was -- the sermon was a good sermon.

[Question]: Okay. And you talked about an affidavit that he had been asked to write, correct?

[Answer]. Yes.

[Question]: And you were concerned, and you asked him about whether he was going to write an affidavit that said you were racist?

[Answer]. Right.

[Question]: And he didn't believe that what you said in of the affidavit was true, right? He expressed that?

[Answer]. No.

[Question]: No?

[Answer]. He didn't tell me that.

[Question]: Did he -- did you ever tell Mr. Shaya what you claimed to have observed Mr. Oram doing with the Simply Storage renewal letter?

[Answer]. No. He called me out of the blue.

[Question]: Mr. Shaya -- well, you tell me. What did Mr. Shaya say in the first phone call?

[Answer]. “What are you doing? Why you doing it? Randy’s a good guy. You’re a good guy. This is going to get ugly. It’s going to cost you.” Yeah, he was like, “It’s going to disrupt your life completely. They’re going to take depositions from your current employee, your past employees, your mom, your daughter. Your going to have to spend thousands on attorneys.” And -- and he said, “It’s just going to get bloody. It’s just going to get dragged out and bloody and you never know what’s going to happen.”

[Question]: When he said it was going to get dragged out and bloody, what did -- how did you understand the connotation of what said?

[Answer]. I was nervous, man. Come on.

[Question]: Did you take that as a physical threat?

[Answer]. Yes.

[Question]: So he said it was in the content of it was going to be ugly, they were going to depose people, it was going to be bloody, and you don’t associate the

bloody with the “it’s going to be ugly, they’re going to depose all these people,” you think all of a sudden he switched to threatening you physically?

[Answer]. You’re saying he switched. You didn’t -- you weren’t there, you didn’t see con -- you didn’t see his tone, his conversation. It sounded like a threat.

[Question]: Okay. What else did he say?

[Answer]. “Just rescind your affidavit.”

[Question]: Okay.

[Answer]. Over and over again, “Rescind your” --

[Question]: So you were afraid after that conversation?

[Answer]. Well, yeah. I mean he -- he was literally telling me that “They’re going to destroy your life if you don’t rescind this affidavit,” and the words “it’s going to get bloody.” Yeah, how -- how would anybody take that?

[Question]: I don’t want to know how anybody would take it; I want to know how you took it.

[Answer]. I took it as a threat.

[Question]: You thought somebody was going to come out and get you?

[Answer]. Maybe.

[Question]: I mean, you told Mr. LeVasseur, “I have to say I do get a little nervous when I go out the night.”

[Answer]. I did.

[Question]: I mean, is that really how you felt?

[Answer]. Yes.

[Question]: Okay. Now, before you sent the email to Mr. LeVasseur, did you talk to him about threats?

[Answer]. Talk to who?

[Question]: Mr. LeVasseur?

[Answer]. No.

BY MR. BRUETSCH: That's 21. (EXHIBIT marked: Exhibit 21.) **BY MR. BRUETSCH**:

[Question]: all right, this is an email that you wrote to Mr. LeVasseur Sunday, July 21st, 5:33 p.m., right?

Pat Depa *[Answer]*. Yes.

[Question]: And the first thing you say is "So you were right, the threats are coming." So had you had some prior conversation with Mr. LeVasseur about threats?

[Answer]. Yeah.

[Question]: What was that conversation?

[Answer]. I can't remember. It was just "They're going to threaten you," or "Let me know if there's any threats." That's what he -- that's what he said, "Just let me know if there's any threats," so I said, "All right." Didn't hear any at the time, and then in this thing, it was like, "Yeah, you're right, the threats are coming."

[Question]: So why did you, after you sent this email to Mr. -- well, strike that. Give me a -- relate this email in time to this phone call from Mr. Shaya. Did you send it right away?

[Answer]. Yeah, I sent it I think pretty much right afterward, within a half hour.

[Question]: Okay. And then since you were so scared after Mr. Shaya's call, how come after you sent this email to Mr. LeVasseur you texted Mr. Shaya and asked him to call you back?

[Answer]. I wanted to get him on tape.

[Question]: Mm-hm. Did you tape the first call?

[Answer]. No.

[Question]: Okay. Did you tape the second call?

[Answer]. Yeah, but it was just -- it wasn't the same. He clarified then.

[Question]: What did he clarify?

[Answer]. That the threats were -- I forget how he said it. That, you know, they were -- he didn't say it was like -- like -- like physical, but they're -- "They're going to -- it's going to be bloody, everything dealing with the lawyers and everything like that," so he did clarify it.

[Question]: All right.

[Answer]. But that was after I wrote this.

[Question]: Okay. So he basically said to you -- I don't want to put words in your mouth; you tell me what's right and what's wrong or if I have the connotation or if I don't, but basically, "Hey, you got me all wrong. I wasn't saying somebody's going to put a hit out on you or something, I was just saying this is going to get ugly, there's going to be depositions, you're going to get involved," et cetera. Is that what he said?

[Answer]. Yeah, after I wrote this.

[Question]: Okay. And did that set your mind at ease?

[Answer]. Oh, a little bit, not completely.

[Question]: And he told you in both calls, right, that Randy had not set him up to call you, that he was doing it on his own, right?

[Answer]. Yes, he did.

[Question]: After the first call, did you do anything else besides sending this email to Mr. LeVasseur to report these alleged threats?

[Answer]. I don't know if they're alleged. At the time they seemed pretty real.

[Question]: kay, that's not the answer to my question, though.

[Answer]. So what's your question again?

[Question]: Did you tell or report it to anybody else?

[Answer]. No.

[Question]: File a police report?

[Answer]. No.

[Question]: So you told Mr. LeVasseur, and then you texted Mr. Shaya and told Mr. Shaya to call you back, and you had a second conversation that you taped, right?

[Answer]. Mm-hm.

[Question]: Still have the tape?

[Answer]. I think so.

[Question]: Where is it?

[Answer]. It's on my phone.

[Question]: And you also called Mr. Shaya back five days later -- I'm sorry, make sure I get that right. Yeah, five days later, you called Mr. Shaya again, right?

[Answer]. I don't think so, no. That was the last I talked to him.

[Question]: I didn't say you talked to him, but you called him, right? You just didn't reach him?

[Answer]. I didn't purposely call him.

[Question]: Well, if Mr. Shaya has a missed call from you on July 26th, 2019, can you explain that?

[Answer]. Yeah, it was an accidental call.

[Question]: Did Mr. Shaya call you back?

[Answer]. No, because I think it was just like started to ring and I hung up, I noticed that it was there and I didn't want to -- it wasn't somebody I was trying to reach so I just hung up.

[Question]: Okay.

[Answer]. That happens all the time.

[Question]: Did you reach back out to Mr. LeVasseur and tell him about that second call and that Mr. Shaya had explained what he meant in the first call?

[Answer]. No, because he -- he didn't explain until I asked him, so, of course, what was he going to say? You know, I didn't -- I don't know if I completely believed him.

[Question]: My question was just whether you had reached back out to Mr. LeVasseur.

[Answer]. Nope. *Deposition, p 137-148, ln 18-7*

BY MR. MCKENNEY: [Question]: Do you know a gentleman named Steve Shea?

Pat Depa *[Answer]*. Yes.

[Question]: How do you know Mr. Shea?

[Answer]. He worked for International Outdoor Not sure the dates or the time. It for a period of time. wasn't a long period.

[Question]: Did you know whether or not he was a personal friend of Mr. Oram?

[Answer]. It appeared that way.

[Question]: Prior to writing the affidavit we just talked about in May of 2019, when was the last time you spoke with Mr. Shea?

[Answer]. It may have been in 2017. I -- I would just kinda guess, because I think the last time I spoke to him was -- he was already working for the City of Detroit and Mr. Oram, I believe, was trying to buy property in Royal Oak Township, which was on Eight Mile, which is the border between Detroit and there. And I'm not sure what the relation was, but he was -- he was facilitating something for Randy and I got caught up in a conversation about him helping Randy do something with that particular property.

[Question]: Since you wrote your affidavit in May of 2019, did you have any contact with Mr. Shea?

[Answer]. Yes, he called me out of the blue.

[Question]: When was this?

[Answer]. It was three weeks ago?

[Question]: And what did Mr. Shea contact you about?

MR. BRUETSCH: Objection, your Honor. Conversations with this witness are hearsay.

MR. MCKENNEY: I just asked him what he contacted him about. I'm not asking what Mr. Shea might have said.

THE COURT: I'll allow that. Just what he contacted you about.

Pat Depa THE WITNESS: He contacted me to -- about me doing the -- submitting an affidavit.

MR. MCKENNEY: **[Question]**: Did Mr. Shea threaten you?

MR. BRUETSCH: Objection, your Honor. Hearsay.

MR. MCKENNEY: I'm -- I'm not asking for the statement. I'm just asking whether or not he threatened him.

MR. BRUETSCH: He's -- he's asking for the content of the conversation.

THE COURT: All right. Rephrase the question. After the discussion did he feel threatened?

BY MR. MCKENNEY: **[Question]**: Did you feel threatened after your discussion with Mr. Shea?

Pat Depa *[Answer]*. Yes.

[Question]: Did it give you pause to come here and testify today?

[Answer]. No.

[Question]: How many conversations did you have with Mr. Shea?

[Answer]. Maybe three. *Evidentiary Hearing 08-23-19, p 65-67, ln 2-3*

MR. BRUETSCH: We're trying to offer a statement because Mr. Depa testified about things, including, number one, that he believed he was an employee, not a contractor. We went round and round on that issue. As an offer of proof I will tell you that in this voicemail Mr. Depa said to Mr. Faycurry, "Hey, we're all contractors, you don't have to worry, you're not an employee." That's one thing he said. There also -- it also goes to his motivation, because on this tape he calls Mr. Oram an S-O-B, he doesn't like Mr. Oram. He also makes some coercive statements on the tape. So, that's why we're offering it.

MR. MCKENNEY: Again, and your Honor is absolutely right, number one, it's hearsay; number two, if they wanted to impeach Mr. Depa with his own statements on this recorded voicemail the time to do that was when Mr. Depa was testifying so that he could respond to it. That's how impeachment works. I mean, we had -- we had -- as you recall, we had statements about threats that Mr. Depa received from Mr. Shaya (sp), and those were not allowed in because Mr. Shaya wasn't here to testify about it, they were hearsay.

THE COURT: It is hearsay. That's enough, let's move on. *Evidentiary Hearing 10-24-19, p 15-16, ln 15-18.*

MR. MCKENNEY [Question]: As part of your -- well, strike that. Who were some of the coworkers you worked at -- in the years you worked at International Outdoor?

Pat Depa [Answer]. Jeff Sieving, Alan Scott White, Mr. Faycurry, Steve Shaya (ph) I believe his name was. Those were all in the real estate department that I was in.

[Question]: And who was the -- sort of the day to day president of International Outdoor?

[Answer]. Randy Oram.

[Question]: And that was the whole time you were there?

[Answer]. Yes. *Re-Trial pt.3, p 76, ln 2-12*
