STATE OF MICHIGAN IN THE SUPREME COURT

INTERNATIONAL OUTDOOR, INC., Plaintiff/ Appellant

Case No. 166756

COA Case No. 359082 Consolidated with COA Case No. 359811

SS MITX, LLC and LAMAR ADVERTISING OF MICHIGAN, INC.

Respondents/ Appellees.

Oakland County Circuit Court Case No. 2016-155472-CB Case No. 2016-155489-CB

and

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

v.

INTERNATIONAL OUTDOOR, INC., Defendant/Appellant

ARAB AMERICAN CIVIL RIGHTS LEAGUE'S BRIEF AS AMICUS CURIAE IN SUPPORT OF APPELLANT INTERNATIONAL OUTDOOR, INC.

INDEX OF EXHIBITS

NOW COMES AMICUS CURIAE, the Arab American Civil Rights League, and for their Index of Exhibits, hereby presents as follows:

Exhibit	Description
Α	Patrick Depa Affidavit May 30, 2019
В	Selection of Depa Files

Respectfully Submitted, /s/ Kassem M. Dakhlallah Kassem M. Dakhlallah (P70842)

v.

6050 Greenfield Rd., Ste., 201 Dearborn, MI 48126 (313) 551-3038 kd@hdalawgroup.com Counsel for Amicus Curiae ACRL

Dated: April 8, 2024

STATE OF MICHIGAN IN THE SUPREME COURT

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CERTIFICATE OF SERVICE

I, Tarik D. Turfe, hereby certify that on April 8, 2024, I caused an electronic copy of the Arab American Civil Rights League's Index of Exhibits to be served upon each counsel of record to the above captioned matter, via the Michigan Supreme Court's MiFile system.

Respectfully Submitted,

<u>/s/ Tarik D. Turfe</u> Tarik D. Turfe (P83690)

EXHIBIT A

<u>AFFIDAVIT</u>

STATE OF OREGON))ss COUNTY OF BENTON)

PATRICK DEPA, being first duly sworn, deposes and states that:

1. I am a former employee of International Outdoor, Inc. I make this affidavit on the basis of my personal knowledge of the facts stated in this affidavit. If called upon to testify, I can and will confirm each of the statements made below.

2. I was employed with International Outdoor from September 2010 until July 2018. My title was Real Estate Director and my job dutics consisted of procuring leases for new billboard sites, upgrading static billboards to digital, acting as liaison to all maintenance contractors to maintain current billboard inventory, and presenting staff reports for all zoning board of appeals and planning commission meetings.

3. In the course of my employment, I became aware that International Outdoor was engaged in a dispute with SS MITX, LLC (commonly referred to as Simply Self Storage) and Lamar Advertising of Michigan, Inc. over the right to erect a billboard at Simply Self Storage's Auburn Hills, Michigan, location.

4. In connection with that dispute, I am aware that International Outdoor and my boss, Randy Oram claimed that a letter was sent to Simply Self Storage in December 2013 for the purpose of renewing a 2009 Icase for the right to crect a billboard at the Auburn Hills location.

5. I have personal knowledge that the lease renewal letter was not sent in December 2013. I know this because I observed Randy Oram type the letter in question on the computer in his office, print it and sign it. This occurred in or about late July 2016. Mr. Oram backdated the letter to December 2013 so that he could falsely claim that the 2009 lease had been renewed on time.

6. The computer Mr. Oram used to create the letter was still in his office when I left employment with International Outdoor in July 2018.

7. I know that Mr. Oram made use of this falsified letter as part of International Outdoor's lawsuit against Simply Self Storage and Lamar. I was greatly troubled by Mr. Oram's actions, so I met with the Company's attorney, Jeff Sieving, to onlist his help in preventing Mr. Oram from committing a fraud by using the backdated letter,

8. During our meeting, I revealed to Joff Sieving that I had seen Randy Oram create the backdated letter. Mr. Sieving acknowledge this information, but refused to take any action to prevent Mr. Oram from using the letter as evidence in the lawsuit.

9. As the lawsuit between International Outdoor and Lamar/Simply Self Storage proceeded, I continued to make complaints to Jeff Sieving about the letter and Mr. Oram's actions, and repeatedly asked that he intervene to stop Mr. Oram. Mr. Sieving never expressed any doubts about what I had witnessed or suggested in any way that he did not believe me. He nonetheless refused to do anything about it.

10. I am also aware that the Lamar and Simply Self Storage had taken a positon in the lawsuit that International Outdoor had abandoned any claim to the Auburn Hills location. I know the position taken by Lamar/SSS was and is true. We at International Outdoor took no further action after December 2009 to secure the right to recet a billboard on the property because of the difficulty and expense of doing so. Conversations occurred on at least two occasions but Mr. Oram always steered Alan White and myself to other sites that had better chances of success.

11. The Simply Self Storage Auburn Hills lease file stayed in a drawer and was never bought out or spoken about again until January or February 2016. Around this time, a new employee, James Fayeurry, was hired. James had come to International Outdoor from Adams Outdoor, a competitor, and he advised us that changes in the law had made creeting a sign in Auburn Hills more feasible than it had been in the past.

12. Specifically, James told us that Auburn Hills had amended its zoning ordinance to allow billboards, but only as a planned unit development (PUD). As part of the PUD, Auburn Hills required that there be a public benefit to the City if they were going to allow a new digital sign in their city. James said that Adams Outdoor made a donation to the City of Auburn Hills of close to \$160,000 for a new park, plus a slot of advertising on the sign. As a result, Adams Outdoor was allowed to begin constructing a digital sign in the City of Auburn Hills in late 2015.

13. This information caused Randy Oram to again become interested in exploring the possibility of building a billboard in Auburn Hills. I reviewed the file, and learned that the Simply Self Storage lease had expired, and I advised Randy Oram of that fact. He then directed me to try to reach out to Simply Self Storage to get it renewed, but I did not have a good contact number.

14. This was Alan White's lease (a former International Outdoor employee), but he left the company due to a medical condition and was not easy to contact. When I finally made contact with Alan, he was aware that the lease had expired and he tried to provide me with a current contact number for Simply Self Storage, but was unsuccessful. I even wrote letters to the legal departments at Simply Self Storage's corporate offices in Florida and/or Texas. I received no response. 15. Randy Oram then instructed a few of us employees to use the Adams Outdoors information and packets to put together similar packages for other properties in Auburn Hills that I was attempting to get leases with. We turned our attention to this project and we essentially gave up on the Simply Storage Auburn Hills location for a second time.

16. Shortly after this occurred, I was checking the Auburn Hills website for meeting agendas and discovered that Lamar was taking a case to the planning commission for a new billboard to be located on the Simply Self Storage location. I advised Randy Oram of this development, which caused him to be become extremely upset. He insisted that Alan White must have sent a renewal letter before the lease had expired. We looked at every file, every server, and every computer, and found no such letter.

17. Mr. Oram never claimed to us at this time that <u>he</u> wrote a renewal letter; rather, he stated only that he hoped Alan White had done so. Mr. Oram made us double and triple check, and no renewal letter was found. When I later spoke to Alan White about this, he confirmed that he never sent a renewal letter. He explained that there was no reason to do so because Randy Oram had decided not to move forward with the Auburn Hills site.

18. It was after the above-mentioned search for a renewal letter proved to be unsuccessful that I witnessed Randy Oram create and backdate a renewal letter, as described above.

PATRICK DEPA

Subscribed and Sworn to Before Me this <u>3014</u> day of May, 2019.

Notary Public

 $q_{2} > r > r$ DEFICIAL STAM BUTH ANN POS HY PUBLIC OREGON COMMISSION NO. 977476 MY COMMISSION EXPIRES AUGUST 22, 2023

EXHIBIT B

Re-Trial - 8-17-21 - p. 191, In 6-10

Question: "[...] Finally, Mr. Oram (sic), I think there was an attempt at insinuation that you were here testifying today because you had some racial animus toward Arabs. Is that true at all? [Answer] Furthest thing from the truth. It's ridiculous.



Text messages between Depa and Shaya beginning July 19, 2019. Depa sent Shaya a picture of a shirt identifying predominately democratic states as "Dumbfuckistan". There are 7 "stan" countries (e.g. Turkmenistan, Afghanistan, and Pakistan). The majority of "stan" countries are located in the middle east (i.e. of Arab ancestry).

Pat Depa Voicemail Transcription

June 18, 2019 10:37PM

"Hey Jim, it's Pat. Umm, I just wanted to find out about -- ask you a question about when you started at IO. I know Randy probably told you not to talk to talk to me or whatever, but you're a contractor; you can do what you want. I mean, if you're afraid about fosing your money, I understand. You know, he's an S.O.B. You know it. I stuck up for you a ton, bro. But you know, you gotta protect your ass. So if you get this and, you know, Randy is telling you not to talk to me for whatever reason, which you know, I can find out - you know, you can tell me the date and he won't find out that you gave it to me. Because it'll be through the correct date. But if you get this, and like I said, if Randy doesn't want you to talk to me then I understand. But again, you're just a contractor. If that's the case, just give me a thumbs up on a text back so I know you got this. You know, like I said, I have your back, bro."

From: Patrick Depa <<u>patrickdepa@yahoo.com</u>> Sent: Tuesday, October 17, 2017 5:14 PM To: Bianca Kasmikha <<u>admin@iobillboard.com</u>>; Matt Clingerman <<u>creative@iobillboard.com</u>>; Jeffery Sieving <<u>ieff@iobillboard.com</u>> Subject: Fw: Re: PROOF OF DETROIT'S COMEBACKa WINNER!!!

Details of an extremely intricate "counterfeit" bill passed in Detroit



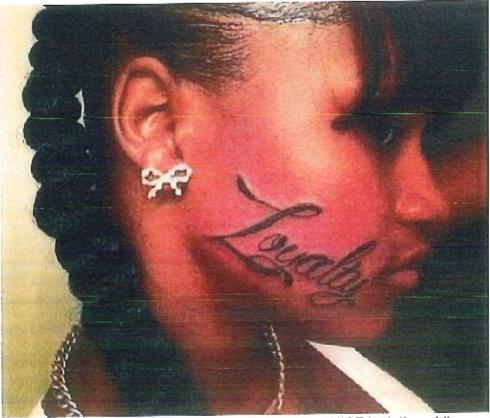
WOW!! It's a wonder this bill was ever caught!! Talk about PERFECT!!



We know...



Sory to heer that... Can we gets a hot dawg then?



To whom?? Her tattoo 'artist'?? (Ya gotta ad-mit... NICE look though!)



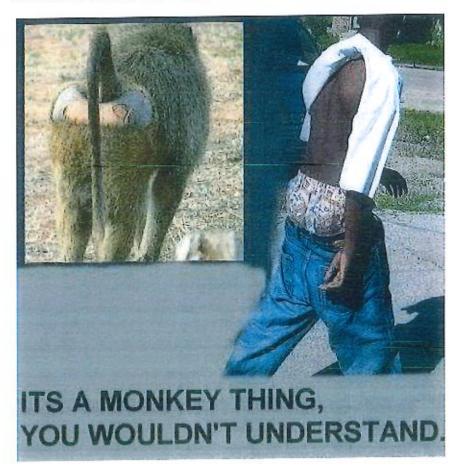
Starting with THIS one!!!



Looks like SHE could USE a little Support'!!! (hope she's buying some duct tape)



Love it... Love it... LOVE IT!!!





Proof that the Detroit school system is ... ??? Actual picture of a Burger King in Detroit.



That's ALLS I GOTS

From: Patrick Depa patrickdepa@yahoo.com @ Subject: SOME COMMENTS TO PONDER

Date: June 3, 2013 at 1:34 PM

To: mel.depa11@yahoo.com, depam@michigan.gov, Michael Gonzales mgonzales@ci.taylor.mi.us, tomdepa@att.net, david bennett mightygrossdog@hotmail.com, brewce39@gmail.com, amanda.depa@yahoo.com, alanscottwhite@wise-cro.com, creative@iobillboard.com

Subject: SOME COMMENTS TO PONDER I'm not saying let's go kill all the stupid people....I'm just saying let's remove all the warning labels and let the problem sort itself out. your cards To me "drink responsibly" means don't spill it. someecards user card M.

Not to get technical... but according to chemistry alcohol is a solution

Quotes Love and Life .com

l've got to stop sayin "How stupid can you

Too many people are taking it as a challenge.

CAMOUFLAGE CONDOMS: THEY'LL NEVER SEE YOU COMING.

searchQuotes.com





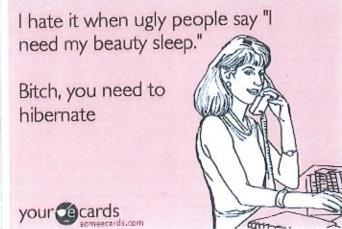
AND THEN I SAID

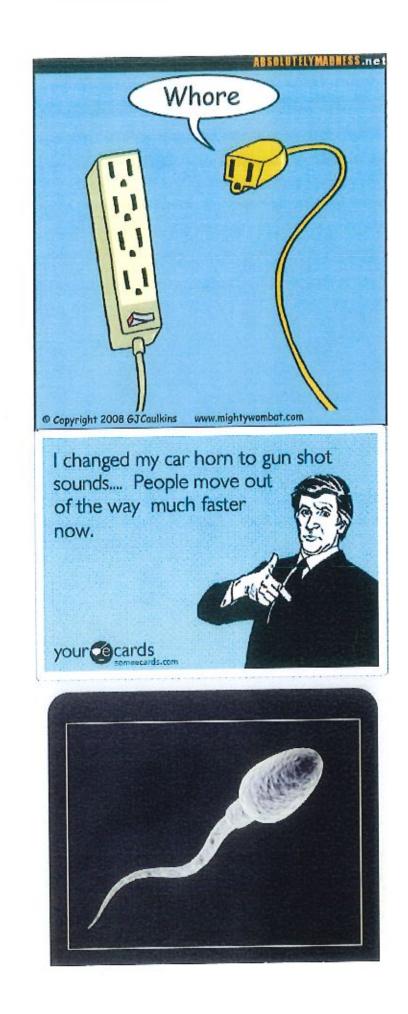
I DON'T CARE HOW MUCH MONEY YOU HAVE, I LOVE YOU FOR WHO YOU ARE

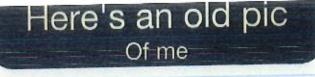
Women

LP95, ifunny.mobi

Gre







"I look at people sometimes and think...Really? That's the sperm that won?"

If sex between 3 people is threesome and between 2 people is twosome. Now 1 understand why people call you handsome.

your ecards

yourecards



I'm sorry I hurt your feelings when I called you stupid.

I really thought you already knew.

yourcecards

My favorite excercise at the gym would probably be judging.





From: IO Creative creative@iobillboard.com Subject: Fwd: Crime Pays!! Date: July 1, 2019 at 12:34 PM To: Randy Oram Randy@iobillboard.com



Matt Clingerman | Creative Director

International Outdoor

iobillboard.com | 248.489.8989

28423 Orchard Lake Rd., Ste. 200 Farmington Hills, MI 48334

This message contains confidential information and is intended only for the individual named. If you are not the named addressee, you should not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. Email transmission cannot be guaranteed to be secure or error-free, as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender, therefore, does not accept liability for any errors or ornissions in the contents of this message which arise as a result of email transmission. If verification is required, please request a hard-copy version. Further, the contents of this message do not constitute a binding contract or terms for a contract unless reduced to an express written document signed by both parties to the contract.

Begin forwarded message:

From: Patrick Depa <<u>patrickdepa@yahoo.com</u>> Subject: Crime Pays!! Date: August 23, 2013 at 10:52:47 AM EDT To: Melissa Depa <<u>mel.depa11@yahoo.com</u>>, "<u>hassan@brandxus.com</u>" <<u>hassan@brandxus.com</u>>, "<u>alanb0707@gmail.com</u>" <<u>alanb0707@gmail.com</u>>, Alan Scott White <<u>alanscottwhite@wise-cre.com</u>>, "<u>depam@michigan.gov</u>" <<u>depam@michigan.gov</u>>, Creative Department <<u>creative@iobillboard.com</u>>, "jeff@iobillboard.com" <jeff@iobillboard.com> Reply-To: Patrick Depa <<u>patrickdepa@yahoo.com</u>>

Crime Pays!!

So, Jesse Jackson, Jr. 17 year veteran of the US Congress, suddenly gets a "mood disorder" (about the same time he learned he was to be indicted) and is going to prison for 2.5 years. Because his "mood disorder" was so severe, he has become disabled and will receive \$8700 per month as a disability payment as well as \$45000 a year from his congressional pension, a total of about \$150K per year.

Is this a great country or what?

By the way, I have had a rather substantial "mood disorder disability" ever since Obama got elected in 2008. I have not committed any felonies, have not been convicted and sentenced to prison and I don't get squat - other than a higher and higher tax bill every year and the privilege of watching our federal deficit grow every day of the year.

Jesse Jackson Jr. to Grab \$8,700 Per Month in Disability, Plus Pension In Prison

No virus found in this message. Checked by AVG - <u>www.avg.com</u> Version: 10.0.1432 / Virus Database: 3211/6089 - Release Date: 08/19/13 From: Patrick Depa patrickdepa@yahoo.com Subject: Animal fun Date: January 28, 2014 at 9:50 AM

To: Melissa Depa mel.depa11@yahoo.com, amanda@lobillboard.com, creative@iobillboard.com

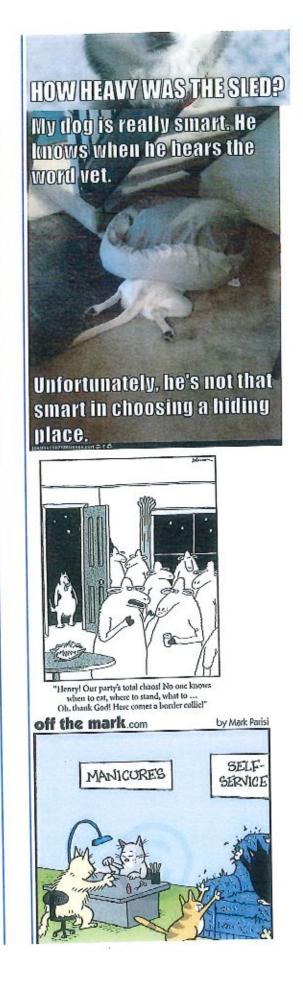
Bubject: Animal Mi

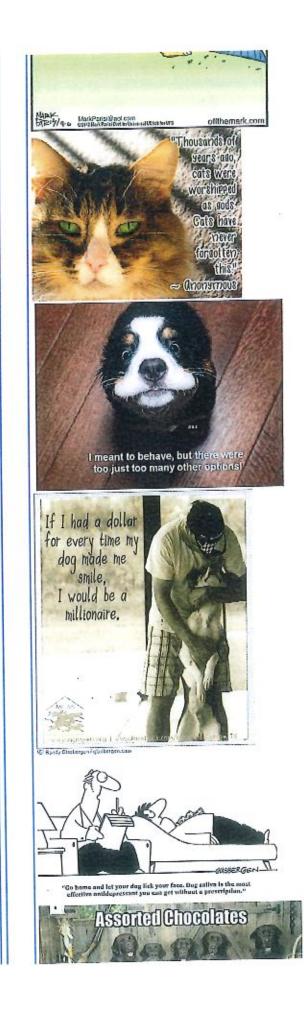


Him? No, he doesn't want a cookle. He says I can have two.













"Do you have a smaller cone?"





On the plus side, I can hear the postman coming six blocks away.

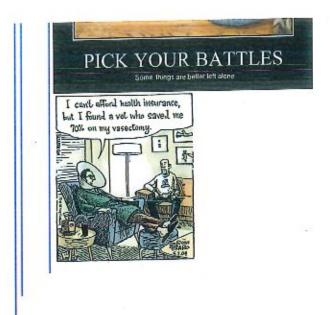
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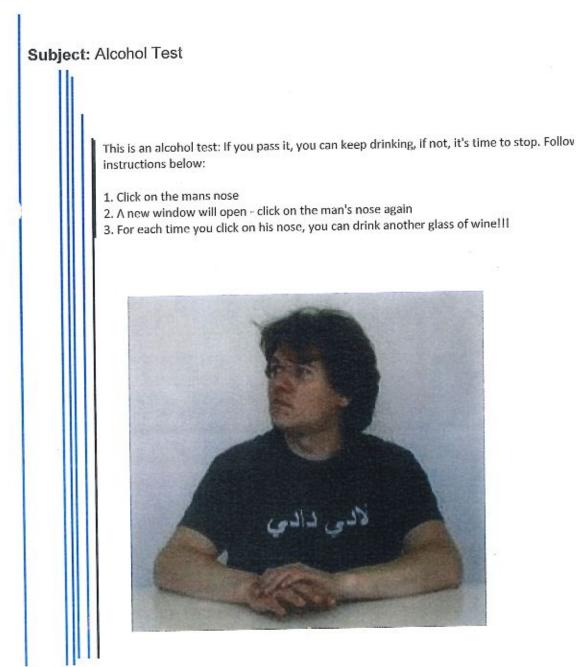




No virus found in this message. Checked by AVG - http://www.avg.com/ Version: 2014.0.4259 / Virus Database: 3681/7011 - Release Date: 01/17/14

Randy Oram

irom: Sent: To:	Patrick Depa <patrickdepa@yahoo.com> Tuesday, November 29, 2011 10:54 AM david bennett; mel.depa11@yahoo.com; alanscottwhite@wise-cre.com; amanda@iobillboard.com; amanda.depa@yahoo.com; aknox43@gmail.com</patrickdepa@yahoo.com>
Subject:	Alcohol Test
Attachments:	image001.jpg



Randy Oram

^E rom: Sent: To:	Patrick Depa <patrickdepa@yahoo.com> Monday, November 19, 2012 12:10 PM Ann Knox; Alan Brown; Amanda Elias; Melissa Depa; Michael(DNRE) Depa; Mary Edoff; Ann Knox; Thomas Depa</patrickdepa@yahoo.com>
Subject:	SHE DID IT AGAIN

Subject: SHE DID IT AGAIN AMEN!

Now here is a leader with some backbone!

W O W ! She Did It Again!!

Australia says NO -- Second Time she has done this!

She sure isn't backing down on her hard line stance and one has to appreciate her belief in the rights of her native countrymen.

1

A breath of fresh air to see someone lead. Australian Prime Minister does it again!!

The whole world needs a leader like this!



Prime Minister Julia Gillard - Australia

Muslims who want to live under Islamic Sharia law were told on Wednesday to get out of Australia, as the government targeted radicals in a bid to head off potential terror attacks.

Separately, Gillard angered some Australian Muslims on Wednesday by saying she supported spy agencies monitoring the nation's mosques. Quote: 'IMMIGRANTS, NOT AUSTRALIANS, MUST ADAPT... Take It Or Leave It. I am tired of this nation worrying about whether we are offending some individual or their culture. Since the terrorist attacks on Bali, we have experienced a surge in patriotism by the majority of Australians.'

'This culture has been developed over two centuries of struggles, trials and victories by millions of men and women who have sought freedom.'

'We speak mainly ENGLISH, not Spanish, Lebanese, Arabic, Chinese, Japanese, Russian, or any other language. Therefore, if you wish to become part of our society, learn the language!'

'Most Australians believe in God. This is not some Christian, right wing, political push, but a fact, because Christian men and women, on Christian principles, founded this nation, and this is clearly documented. It is certainly appropriate to display it on the walls of our schools. If God offends you, then I suggest you consider another part of the *world as your new home, because God is part of our culture.*'

'We will accept your beliefs, and will not question why. All we ask is that you accept ours, and live in harmony and peaceful enjoyment with us.'

'This is OUR COUNTRY, OUR LAND, and OUR LIFESTYLE, and we will allow you every opportunity to enjoy all this. But once you are done complaining, whining, and griping about Our Flag, Our Pledge, Our Christian beliefs, or Our Way of Life, I highly encourage you take advantage of one other great Australian freedom, 'THE RIGHT TO LEAVE'.'

'If you aren't happy here then LEAVE. We didn't force you to come here. You asked to be here. So accept the country YOU accepted.'

NOTE: IF we circulate this amongst ourselves in Canada & USA, WE will find the courage to start speaking and voicing the same truths.

If you agree please SEND THIS ON and ON, to as many people as you know...

Why the Left Loathes Western Civilization

by DENNIS PRAGER April 26, 2016 12:00 AM @DENNISPRAGER

This month Stanford University students voted on a campus resolution that would have had their college require a course on Western civilization — as it did until the 1980s. Stanford students rejected the proposal 1,992 to 347. A columnist in the Stanford Daily explained why: Teaching Western civilization means "upholding white supremacy, capitalism, and colonialism, and all other oppressive systems that flow from Western civilizations." The vote and the column encapsulated the Left's view of Western civilization: In Europe, Latin America, and America, the Left loathes Western civilization. Wherever there is conflict between the West — identified as white, capitalist, or of European roots — and the non-West, the Left portrays the West as the villain. I am referring to the Left, not to liberals. The latter generally venerated Western civilization. President Franklin Roosevelt, for example, frequently spoke of defending "Christian civilization." Today, the Left would revile any Westerner who used such language as xenophobic, racist, and Fascist. The Left similarly describes any suggestion that anything Western is superior to anything non-Western. Likewise, the Left dismisses virtually all Western achievements, but regards criticism of anything non-Western as racist, chauvinistic, imperialist, colonialist, xenophobic, etc.

That is why the Left is so protective of Islam. America's first left-wing president, Barack Obama, will not use, or allow the government to use, the words "Islamic terrorism"; and all criticism of Islam is labeled "Islamophobic," thereby morally equating any such criticism with racism. It is not that the Left is sympathetic to Islam; the Left has contempt for all religions. It is that many Muslims loathe the West, and the enemies of my enemy (the West) must be protected. That is why the Left loathes Israel. If the Left actually cared about human rights, women's rights, gay rights, or freedom of speech, religion, and the press, it would be wildly pro-Israel. But Israel, in the Left's view, is white, European, and colonialist; in other words, Western. And the Palestinians are non-Western. So, then, the Big Question is, Why? Why is the Left hostile to Western civilization? After decades of considering this question, the answer, I have concluded, is: standards.

The Left hates standards – moral standards, artistic standards, cultural standards. The West is built on all three, and has excelled in all three. The Left hates standards because when there are standards, there is judgment. Why does the Left hate standards? It hates standards because when there are standards, there is judgment. And Leftists don't want to be judged. Thus Michelangelo is no better than any contemporary artist, and Rembrandt is no greater than any non-Western artist. So, too, street graffiti, which are essentially the defacing of public and private property — and thus serve to undermine civilization — are "art." Melody-free, harmony-free, atonal sounds are just as good as Beethoven's music. And Western classical

music is no better than the music of any non-Western civilization. Guatemalan poets are every bit as worthy of study as Shakespeare. When the Nobel Prize-winning American novelist Saul Bellow was quoted as saying, "Who is the Tolstoy of the Zulus? The Proust of the Papuans?" all hell broke loose on the cultural Left. Bellow had implied that the greatest writers of fiction were Western. Why such antagonism? Because if some art is really better than other art, your art may be judged inferior. The narcissism of left-wing thought does not allow for anyone to be better than you artistically or in any other way. Therefore, all art and artists must be equal. In the moral realm, the same rejection of standards exists. Thus, the Left loathed Ronald Reagan for labeling the Soviet Union an "evil empire." That would mean that America was morally superior to the Soviet Union. And such a judgment was unacceptable. The whole left-wing moral vocabulary is a rejection of Western moral standards: "tolerance," "inclusion," "antidiscrimination" (by definition, standards discriminate), "non-judgmental," and even "income inequality," which deems some people's work more valuable than that of others.

Every civilization had slavery. But only thanks to Judeo-Christian civilization was slavery abolished there and eventually elsewhere. Nevertheless, to speak about any moral superiority of Western or Judeo-Christian civilization is completely unacceptable thanks to the Left's stranglehold on education and most media. In this regard, the protection of Islam on the Left is so thorough that one cannot even say such obvious truths as that the status of women has been far superior in the Judeo-Christian West than in the Islamic world. The veil, for example, is dehumanizing; yet, in a speech at the annual convention of the Islamic Society of North America (ISNA), a rabbi, at the time the president of the Union for Reform Judaism, said that the veil "deserves our respect."

And finally, we come to the Left's loathing of the religions of Western civilization — the Judeo-Christian religions, with their clear standards of right and wrong. Bible-based religions affirm a morally judging God. For the Left, that is anathema. For the Left, the only judging allowed is Leftist judging of others. No one judges the Left. Neither man nor God.

 Dennis Prager is a nationally syndicated radio talk-show host and columnist. His latest book, The Ten Commandments: Still the Best Moral Code, was published by Regnery.