

# EXHIBIT E

## Robert Muise AFLC

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**From:** Robert Muise AFLC <rmuise@americanfreedomlawcenter.org>  
**Sent:** Tuesday, May 21, 2013 8:26 PM  
**To:** 'Christian E. Hildebrandt'; 'dyerushalmi@americanfreedomlawcenter.org'; 'Erin Mersino' (emersino@thomasmore.org)  
**Cc:** 'achubb@smartbus.org'; 'Avery Gordon (agordon@smartbus.org)'; 'mbusuito@smartbus.org'  
**Subject:** RE: AFDI - Costs on Appeal

Christian,

In light of the testimony of the witness today regarding his refusal to answer certain questions relating to the application of SMART's content-based restriction on our clients' advertisement pursuant to the attorney client privilege, it appears that you have likely withheld documents related to SMART's decision based on this privilege. If so, please produce a privilege log as soon as possible. Thanks.

**Robert J. Muise\***

**American Freedom Law Center<sup>SM</sup>**

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## Robert Muise AFLC

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**From:** Robert Muise AFLC <rmuise@americanfreedomlawcenter.org>  
**Sent:** Wednesday, May 29, 2013 10:03 PM  
**To:** 'Christian E. Hildebrandt'; 'dyerushalmi@americanfreedomlawcenter.org'; 'Erin Mersino' (emersino@thomasmore.org)  
**Cc:** 'achubb@smartbus.org'; 'Avery Gordon (agordon@smartbus.org)'; 'Sharon Peper'  
**Subject:** AFDI v SMART

Christian,

I am writing to follow up on two matters:

- What is the status of the privilege log?
- Do you have proposed deposition dates for Beth Gibbons?

Additionally, please provide dates that Ms. Elizabeth Dryden would be available for a deposition. I am assuming that you would accept a subpoena on her behalf; if not, please let me know. I should be able to complete the depositions of Ms. Gibbons and Ms. Dryden in one day, so we could schedule the two at the same time. I would plan on taking them at the Ann Arbor office (where we took the Rule 30(b)(6) deposition).

Thanks.

**Robert J. Muise\***

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## Robert Muise AFLC

---

**From:** Robert Muise AFLC <rmuise@americanfreedomlawcenter.org>  
**Sent:** Wednesday, June 05, 2013 5:55 PM  
**To:** 'Christian E. Hildebrandt'; 'dyerushalmi@americanfreedomlawcenter.org'; 'Erin Mersino' (emersino@thomasmore.org)  
**Cc:** 'Avery Gordon (agordon@smartbus.org)'; 'achubb@smartbus.org'  
**Subject:** RE: AFDI v SMART - Privilege log

Christian,

Rule 26 of the Federal Rules of Civil Procedure provides in relevant part as follows:

*(5) Claiming Privilege or Protecting Trial-Preparation Materials.*

*(A) Information Withheld.* When a party withholds information otherwise discoverable by claiming that the information is privileged or subject to protection as trial-preparation material, the party must:

(i) expressly make the claim; and

(ii) **describe the nature of the documents, communications, or tangible things not produced or disclosed—and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.**

This privilege log does not in any way “describe the nature of the documents, communications, or tangible things not produced or disclosed . . . in a manner that . . . will enable other parties to assess the claim.” All it does is indicate the date, the correspondents, and your claim. While the date and correspondents might in some instances allow Plaintiffs to assess your clients' claim of privilege, that would only be true of any correspondence on or after the date of filing the complaint (May 27, 2010).

Importantly, we have learned in discovery that attorneys Chubb and Gordon are part and parcel of the chain-of-command of the decision about whether an advertisement is acceptable or not, specifically including the decision to reject Plaintiffs' advertisement at issue here. That is not legal advice in preparation for litigation, but rather very much part of a corporate decision that Plaintiffs claim violates the First Amendment. Indeed, as you well know, advice by lawyers in the course of criminal or tortious conduct does not qualify for the privilege protection:

Although important, the attorney-client privilege is not absolute; it applies only to the extent that it serves the “broader public interests.” It has no application to legal advice in aid of a fraudulent scheme or criminal activity. *See In Re Antitrust Grand Jury*, 805 F.2d 155, 162 (6th Cir. 1986) (“All reasons for the attorney-client privilege are completely eviscerated when a client consults an attorney not for advice on past misconduct, but for legal assistance in carrying out a contemplated or ongoing crime or fraud.”)

*Fausek v. White*, 965 F.2d 126, 129 (6th Cir. 1992).

While the presence of attorneys as senders or recipients of a correspondence might raise the possibility of attorney-client privilege, merely receiving communications or sending them in and of itself does not provide us with any clue whatsoever about how to assess your clients' claims of privilege.

You have until Friday at 5:00 pm, June 7, 2013, to provide an adequate privilege log, or we will move to compel disclosure and, at the very least, an in camera inspection to test your claims.

**Robert J. Muise\***

American Freedom Law Center<sup>SM</sup>

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**From:** Christian E. Hildebrandt [mailto:CHildebrandt@VGpcLAW.com]  
**Sent:** Wednesday, June 05, 2013 4:42 PM  
**To:** 'Robert Muise AFLC' (rmuise@americanfreedomlawcenter.org); dyerushalmi@americanfreedomlawcenter.org; 'Erin Mersino' (emersino@thomasmore.org)  
**Cc:** Avery Gordon (agordon@smartbus.org); achubb@smartbus.org  
**Subject:** AFDI v SMART - Privilege log

Attached is the privilege log. Thank you.

[Christian E. Hildebrandt](#)

T: 248-312-2902  
F: 248-267-1242

**Vandever Garzia, P.C.**  
1450 W. Long Lake Rd., Suite 100  
Troy, Michigan 48098-6330



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## Robert Muise AFLC

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**From:** Christian E. Hildebrandt <CHildebrandt@VGpcLAW.com>  
**Sent:** Thursday, June 06, 2013 7:06 AM  
**To:** Robert Muise AFLC  
**Cc:** dyerushalmi@americanfreedomlawcenter.org; 'Erin Mersino; Avery Gordon; achubb@smartbus.org  
**Subject:** Re: AFDI v SMART - Privilege log

I will discuss this with my client, but because of my schedule today and tomorrow, I can't work on it until early next week. I will respond to your message by then. Thank you.

Chris

On Jun 5, 2013, at 10:18 PM, "Robert Muise AFLC" <[rmuise@americanfreedomlawcenter.org](mailto:rmuise@americanfreedomlawcenter.org)> wrote:

Christian,

Your Rule 30(b)(6) witness testified, without equivocation, that there are three departments that each have independent authority to approve (or disapprove) an advertisement under the challenged policy: Marketing, General Counsel, and the General Manager. Indeed, the emails you did produce evidence this fact as you provided any number of emails from Chubb and Gordon (or emails cc'ing them) regarding whether an ad should be approved or rejected under the policy. How SMART applies its policy—and, in particular, how it was applied to our clients' ads—is a decision that we are challenging here. Communications regarding that government policy decision are not privileged—and certainly not privileged under the facts here where the General Counsel is in the decision-making chain and not simply a legal advisor—as your witness' testimony and your document production demonstrate. And even if there were a colorable privilege claim, you waived it through the production.

Regarding the log. The examples you provide do not reveal any privilege, nor would a description such as: communication whether the Leaving Islam ad violates SMART's advertising guidelines. Please correct your log by Friday.

**Robert J. Muise\***

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**From:** Christian E. Hildebrandt [<mailto:CHildebrandt@VGpcLAW.com>]  
**Sent:** Wednesday, June 05, 2013 6:05 PM  
**To:** Robert Muise AFLC; [dyerushalmi@americanfreedomlawcenter.org](mailto:dyerushalmi@americanfreedomlawcenter.org); "Erin Mersino"  
**Cc:** 'Avery Gordon'; [achubb@smartbus.org](mailto:achubb@smartbus.org)  
**Subject:** RE: AFDI v SMART - Privilege log

That my client seeks advice is as much privileged as what they seek advice about. The legal department is part of this process only when advice on issues is sought. As Mr. Chubb said, this is not appellate review, but collaboration. When clients collaborate with attorneys, the collaboration and result are privileged.

The vast majority of ads, as you know from the deposition, never get reviewed by legal. Only those ads for which advice is sought get reviewed.

Give me an example of a description that won't reveal the privileged information itself. I can't say things like "sought advice about whether to post the ad for ABC organization" without revealing privileged information. I can't say "provided a recommendation not to post the ABC ad" without revealing privilege. Maybe if you can give me an example, we can work this out.

Also, there is no claim of fraud or criminal purpose in this case or otherwise. The privilege is not abrogated on that basis.

[Christian E. Hildebrandt](#)

T: 248-312-2902  
F: 248-267-1242

**Vandever Garzia, P.C.**  
1450 W. Long Lake Rd., Suite 100  
Troy, Michigan 48098-6330

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**From:** Robert Muise AFLC [<mailto:rmuise@americanfreedomlawcenter.org>]  
**Sent:** Wednesday, June 05, 2013 5:55 PM  
**To:** Christian E. Hildebrandt; [dyerushalmi@americanfreedomlawcenter.org](mailto:dyerushalmi@americanfreedomlawcenter.org); "Erin Mersino"  
**Cc:** 'Avery Gordon'; [achubb@smartbus.org](mailto:achubb@smartbus.org)  
**Subject:** RE: AFDI v SMART - Privilege log

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**Robert J. Muise\***

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**From:** Christian E. Hildebrandt [<mailto:CHildebrandt@VGpcLAW.com>]

**Sent:** Wednesday, June 05, 2013 4:42 PM

**To:** 'Robert Muise AFLC' ([rmuise@americanfreedomlawcenter.org](mailto:rmuise@americanfreedomlawcenter.org)); [dyerushalmi@americanfreedomlawcenter.org](mailto:dyerushalmi@americanfreedomlawcenter.org); 'Erin Mersino' ([emersino@thomasmore.org](mailto:emersino@thomasmore.org))

**Cc:** Avery Gordon ([agordon@smartbus.org](mailto:agordon@smartbus.org)); [achubb@smartbus.org](mailto:achubb@smartbus.org)

**Subject:** AFDI v SMART - Privilege log

Attached is the privilege log. Thank you.

[Christian E. Hildebrandt](mailto:CHildebrandt@VGpcLAW.com)

T: 248-312-2902

F: 248-267-1242

**Vandever Garzia, P.C.**  
1450 W. Long Lake Rd., Suite 100  
Troy, Michigan 48098-6330



## Robert Muise AFLC

---

**From:** Christian E. Hildebrandt <CHildebrandt@VGpcLAW.com>  
**Sent:** Wednesday, June 12, 2013 12:52 PM  
**To:** dyerushalmi@americanfreedomlawcenter.org; 'Robert Muise AFLC'  
**Cc:** 'Avery Gordon'; achubb@smartbus.org; "Erin Mersino"  
**Subject:** RE: AFDI - Privilege log

I still haven't spoken to my client.

[Christian E. Hildebrandt](mailto:CHildebrandt@VGpcLAW.com)

T: 248-312-2902  
F: 248-267-1242

**Vandever Garzia, P.C.**

1450 W. Long Lake Rd., Suite 100  
Troy, Michigan 48098-6330

---

**From:** David Yerushalmi [mailto:dyerushalmi@americanfreedomlawcenter.org]  
**Sent:** Wednesday, June 12, 2013 12:47 PM  
**To:** Christian E. Hildebrandt; 'Robert Muise AFLC'  
**Cc:** 'Avery Gordon'; achubb@smartbus.org; "Erin Mersino"  
**Subject:** RE: AFDI - Privilege log

Christian, might I suggest you drop the sarcasm. You do understand the seriousness of this matter. Our clients are certain that your clients, a government agency, violated their most basic right as citizens in a free society--the right to speak on important issues even if they are contentious. The trial judge agreed. At least on the preliminary injunction, though, your clients carried the day on appeal.

But, that appeal on its face lacked the benefit of the actual factual record--that is, while your clients contend they have a constitutionally valid "political speech" restriction, it is Plaintiffs' claim that the facts demonstrate beyond cavil that there is no such policy--it is in effect and as applied a subjective, arbitrary, and capricious ad hoc decision--and to the extent it exists it is not based on what the Sixth Circuit understood it to be. Rather, it is a policy based on whether the subject matter is contentious. But, as noted above, even that policy is not applied coherently. In other words, the record clearly suggests that it is not politics, it is contentiousness. And, it is not just contentiousness, it is any viewpoint based contentiousness that SMART does not like.

In this context, you produced communications between the general counsel's office and marketing and you withheld some. You did not produce a privilege log. We had to ask for the log on more than one occasion and waited patiently for it. Then you produced a privilege log that was facially deficient. We then had to point this out to you and to wait patiently for a revised log.

The extant privilege log, however, suggests that there is no difference between what you have withheld and what you have produced. And, the reasons for that is set out in Robert's earlier email.

To be clear, if an attorney in the general counsel's office or outside counsel advises your client about the litigation risks of certain decisions, that is clearly privileged. But, if the attorney is looking at ad copy and applying SMART's so-called "policy" to arrive at a judgment about whether the ad is in compliance or not and that judgment is part of the decision-making process to evidence the policy as applied, those communications are not privileged.

Sent from my BlackBerry® wireless handheld

David Yerushalmi\*

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**From:** Christian E. Hildebrandt [<mailto:CHildebrandt@VGpcLAW.com>]

**Sent:** Wednesday, June 12, 2013 10:53 AM

**To:** Robert Muise AFLC

**Cc:** 'Avery Gordon'; [achubb@smartbus.org](mailto:achubb@smartbus.org); [dyerushalmi@americanfreedomlawcenter.org](mailto:dyerushalmi@americanfreedomlawcenter.org); "Erin Mersino"

**Subject:** RE: AFDI - Privilege log

I am discussing this with my client. Also, with other counsel of record as to their availability. Sorry I'm not jumping fast enough for your demands.

[Christian E. Hildebrandt](#)

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**Vandever Garzia, P.C.**

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**Sent:** Wednesday, June 12, 2013 10:54 AM

**To:** Christian E. Hildebrandt

**Cc:** 'Avery Gordon'; [achubb@smartbus.org](mailto:achubb@smartbus.org); [dyerushalmi@americanfreedomlawcenter.org](mailto:dyerushalmi@americanfreedomlawcenter.org); "Erin Mersino"

**Subject:** RE: AFDI - Privilege log

Don't keep pushing this off. Saying you are simply unavailable without providing times for when you are available is unacceptable. We have been at this issue now for some time. Will you or will you not produce the documents and respond to the deposition questions? You know the nature of my request and its legal basis. When are you available, what is your answer?

**Robert J. Muise\***

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**From:** Christian E. Hildebrandt [<mailto:CHildebrandt@VGpcLAW.com>]  
**Sent:** Wednesday, June 12, 2013 10:38 AM  
**To:** Robert Muise AFLC  
**Cc:** 'Avery Gordon'; [achubb@smartbus.org](mailto:achubb@smartbus.org); [dyerushalmi@americanfreedomlawcenter.org](mailto:dyerushalmi@americanfreedomlawcenter.org); "Erin Mersino"  
**Subject:** RE: AFDI - Privilege log

I am discussing your email with my client. I am not available this afternoon or tomorrow morning.

[Christian E. Hildebrandt](#)

T: 248-312-2902  
F: 248-267-1242

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1450 W. Long Lake Rd., Suite 100  
Troy, Michigan 48098-6330

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**From:** Robert Muise AFLC [<mailto:rmuise@americanfreedomlawcenter.org>]  
**Sent:** Wednesday, June 12, 2013 10:25 AM  
**To:** Christian E. Hildebrandt  
**Cc:** 'Avery Gordon'; [achubb@smartbus.org](mailto:achubb@smartbus.org); [dyerushalmi@americanfreedomlawcenter.org](mailto:dyerushalmi@americanfreedomlawcenter.org); "Erin Mersino"  
**Subject:** RE: AFDI - Privilege log

Christian,

I intend to move to compel the production of the withheld documents. In an effort, pursuant to our obligation to meet-and-confer on discovery matters prior to filing any motions, to minimize the issues or perhaps resolve them altogether, I need an answer to my prior question (reproduced here) and others:

Do the "advice" and "opinions" referenced [in your privilege log] refer to the application of SMART's content-based policy that was used to deny my clients' advertisement in this case?

The testimony of SMART was unequivocal: there are three departments that have the authority, independent of one another, to approve or reject an advertisement: marketing, general counsel, general manager—these are the decisionmakers. At times, the decisionmakers might collaborate on whether to accept or reject an advertisement. These decisions and discussions go to the heart of this case—whether your policy, facially as it is understood by the decisionmakers or as applied to my client's advertisement (particularly in light of how it has been applied in the past), is constitutional.

Moreover, your production highlights this point. Indeed, you have provided numerous emails that include Anthony Chubb and Avery Gordon discussing the application of the policy to various advertisements (*see, e.g.*, the email chain attached here) to determine whether to accept or reject the ad. How are these emails/documents substantively different from the ones you are withholding (except, of course by implication, that the ones you have not released are even more damaging to your case)? Further, even assuming there is some measure of privilege, how is it not waived at this point?

I would also add that I intend to move to compel the answers to my questions during the SMART deposition as to the recommendation that the marketing department made regarding whether to accept or reject my client's advertisement. You instructed the witness not to answer based on attorney-client privilege. (See Dep. Tr. at 32-36)

I am available this afternoon or tomorrow morning for a final meet and confer on this issue. Let me know what time works best for you. Thanks.

**Robert J. Muise\***

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**To:** 'Christian E. Hildebrandt'; 'dyerushalmi@americanfreedomlawcenter.org'; 'Erin Mersino' ([emersino@thomasmore.org](mailto:emersino@thomasmore.org))'  
**Cc:** 'Avery Gordon' ([agordon@smartbus.org](mailto:agordon@smartbus.org)); 'achubb@smartbus.org'  
**Subject:** RE: AFDI - Privilege log

Christian,

Do the "advice" and "opinions" referenced here refer to the application of SMART's content-based policy that was used to deny my clients' advertisement in this case?

**Robert J. Muise\***

**American Freedom Law Center<sup>SM</sup>**

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T: (734) 635-3756 (direct)

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E: [rmuise@americanfreedomlawcenter.org](mailto:rmuise@americanfreedomlawcenter.org)

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**From:** Christian E. Hildebrandt [<mailto:CHildebrandt@VGpcLAW.com>]  
**Sent:** Tuesday, June 11, 2013 5:30 PM  
**To:** 'Robert Muise AFLC' ([rmuise@americanfreedomlawcenter.org](mailto:rmuise@americanfreedomlawcenter.org)); [dyerushalmi@americanfreedomlawcenter.org](mailto:dyerushalmi@americanfreedomlawcenter.org); 'Erin Mersino' ([emersino@thomasmore.org](mailto:emersino@thomasmore.org))  
**Cc:** Avery Gordon ([agordon@smartbus.org](mailto:agordon@smartbus.org)); [achubb@smartbus.org](mailto:achubb@smartbus.org)  
**Subject:** AFDI - Privilege log

As I promised, I have reviewed the privilege log. I have made changes that are consistent with SMART's attorney-client privilege. Particularly, I have noted that some documents listed were duplicates of communications already listed and identified them. I have also listed one further communication not previously listed.

I have also reviewed the description of the communications. I believe the attached meets your prior objections.

[Christian E. Hildebrandt](#)

**Vandever Garzia, P.C.**

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## Robert Muise AFLC

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**From:** Christian E. Hildebrandt <CHildebrandt@VGpcLAW.com>  
**Sent:** Wednesday, June 12, 2013 3:07 PM  
**To:** Robert Muise AFLC  
**Cc:** Avery Gordon; achubb@smartbus.org; dyerushalmi@americanfreedomlawcenter.org; 'Erin Mersino'  
**Subject:** Re: AFDI - Privilege log

I believe addressing your further questions infringes on SMART's privilege. We will address your issues in the conference call on Monday. Thank you.

**Chris**

On Jun 12, 2013, at 2:45 PM, "Robert Muise AFLC" <[rmuise@americanfreedomlawcenter.org](mailto:rmuise@americanfreedomlawcenter.org)> wrote:

Christian,

Why do you refuse to answer my straightforward questions? We have an obligation to narrow the issues. We can do that via email and follow up with any outstanding issues, if necessary, on our call. You seem to want to just delay the matter without addressing the substance of it, which will only waste our time and the court's time.

Call in on Monday (6/17) at 1 pm.

Conference call: (623) 428-2544. Enter conference number 1000 followed by # and then enter the conference call passcode 1234 followed by #.

In the meantime, what is your response to my questions about your withheld production/answers? Thanks.

**Robert J. Muise\***

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**From:** Christian E. Hildebrandt [<mailto:CHildebrandt@VGpcLAW.com>]

**Sent:** Wednesday, June 12, 2013 2:26 PM

**To:** Robert Muise AFLC

**Cc:** 'Avery Gordon'; [achubb@smartbus.org](mailto:achubb@smartbus.org); [dyerushalmi@americanfreedomlawcenter.org](mailto:dyerushalmi@americanfreedomlawcenter.org); "Erin Mersino"

**Subject:** RE: AFDI - Privilege log

We believe we have complied with the applicable court rules in the format and content of the privilege log provided.

We are available for a meet and confer conference call on Monday (6/17) afternoon or, *if I'm not in trial on another matter*, on Wednesday (6/19) morning. Please provide call-in information. Thank you.

[Christian E. Hildebrandt](#)

T: 248-312-2902

F: 248-267-1242

**Vandever Garzia, P.C.**

1450 W. Long Lake Rd., Suite 100

Troy, Michigan 48098-6330

---

**From:** Robert Muise AFLC [<mailto:rmuise@americanfreedomlawcenter.org>]

**Sent:** Wednesday, June 12, 2013 10:25 AM

**To:** Christian E. Hildebrandt

**Cc:** 'Avery Gordon'; [achubb@smartbus.org](mailto:achubb@smartbus.org); [dyerushalmi@americanfreedomlawcenter.org](mailto:dyerushalmi@americanfreedomlawcenter.org); "Erin Mersino"

**Subject:** RE: AFDI - Privilege log

Christian,

I intend to move to compel the production of the withheld documents. In an effort, pursuant to our obligation to meet-and-confer on discovery matters prior to filing any motions, to minimize the issues or perhaps resolve them altogether, I need an answer to my prior question (reproduced here) and others:

Do the "advice" and "opinions" referenced [in your privilege log] refer to the application of SMART's content-based policy that was used to deny my clients' advertisement in this case?

The testimony of SMART was unequivocal: there are three departments that have the authority, independent of one another, to approve or reject an advertisement: marketing, general counsel, general manager—these are the decisionmakers. At times, the decisionmakers might collaborate on whether to accept or reject an advertisement. These decisions and discussions go to the heart of this case—whether your policy, facially as it is understood by the decisionmakers or as applied to my client's advertisement (particularly in light of how it has been applied in the past), is constitutional.

Moreover, your production highlights this point. Indeed, you have provided numerous emails that include Anthony Chubb and Avery Gordon discussing the application of the policy to various advertisements (*see, e.g.*, the email chain attached here) to determine whether to accept or reject the ad. How are these emails/documents substantively different from the ones you are withholding (except, of course by implication, that the ones you have not released are even more damaging to your case)? Further, even assuming there is some measure of privilege, how is it not waived at this point?

I would also add that I intend to move to compel the answers to my questions during the SMART deposition as to the recommendation that the marketing department made regarding whether to accept or reject my client's advertisement. You instructed the witness not to answer based on attorney-client privilege. (See Dep. Tr. at 32-36)

I am available this afternoon or tomorrow morning for a final meet and confer on this issue. Let me know what time works best for you. Thanks.

**Robert J. Muise\***

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**From:** Robert Muise AFLC [<mailto:rmuise@americanfreedomlawcenter.org>]  
**Sent:** Tuesday, June 11, 2013 5:47 PM  
**To:** 'Christian E. Hildebrandt'; '[dyerushalmi@americanfreedomlawcenter.org](mailto:dyerushalmi@americanfreedomlawcenter.org)'; "Erin Mersino" ([emersino@thomasmore.org](mailto:emersino@thomasmore.org))'  
**Cc:** 'Avery Gordon' ([agordon@smartbus.org](mailto:agordon@smartbus.org)); '[achubb@smartbus.org](mailto:achubb@smartbus.org)'  
**Subject:** RE: AFDI - Privilege log

Christian,  
Do the "advice" and "opinions" referenced here refer to the application of SMART's content-based policy that was used to deny my clients' advertisement in this case?

**Robert J. Muise\***  
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**From:** Christian E. Hildebrandt [<mailto:CHildebrandt@VGpcLAW.com>]  
**Sent:** Tuesday, June 11, 2013 5:30 PM  
**To:** 'Robert Muise AFLC' ([rmuise@americanfreedomlawcenter.org](mailto:rmuise@americanfreedomlawcenter.org)); '[dyerushalmi@americanfreedomlawcenter.org](mailto:dyerushalmi@americanfreedomlawcenter.org)'; 'Erin Mersino' ([emersino@thomasmore.org](mailto:emersino@thomasmore.org))  
**Cc:** Avery Gordon ([agordon@smartbus.org](mailto:agordon@smartbus.org)); '[achubb@smartbus.org](mailto:achubb@smartbus.org)'  
**Subject:** AFDI - Privilege log

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I have also reviewed the description of the communications. I believe the attached meets your prior objections.

[Christian E. Hildebrandt](#)

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**Vandever Garzia, P.C.**

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<image001.gif>

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## Robert Muise AFLC

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**From:** Christian E. Hildebrandt <CHildebrandt@VGpcLAW.com>  
**Sent:** Wednesday, June 19, 2013 5:05 PM  
**To:** Robert Muise AFLC  
**Cc:** Avery Gordon; achubb@smartbus.org; dyerushalmi@americanfreedomlawcenter.org; 'Erin Mersino  
**Subject:** Re: AFDI - Privilege log

You're right. My oversight. We do not want to participate in a joint motion. We believe our privilege has been preserved and that our log complies with the Court Rules.

**Chris**

On Jun 19, 2013, at 5:01 PM, "Robert Muise AFLC" <[rmuise@americanfreedomlawcenter.org](mailto:rmuise@americanfreedomlawcenter.org)> wrote:

You asked for 48 hours, we are past that. What is your position?

**Robert J. Muise\***  
American Freedom Law Center<sup>SM</sup>  
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