

American Freedom Defense Initiative v. SMART

Deponent: **Beth Gibbons**Taken: 6/25/2013





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	Page 5			Page 7
1	Ann Arbor, Michigan	1		she is diligently taking down everything that is
2	June 25, 2013	2		said during the course of this deposition;
3	At or about 9:00 a.m.	3		consequently, there are a few ground rules, that I'm
4	BETH GIBBONS,	4		sure you're familiar with, having testified
5	having first been duly sworn, was examined and testified	5		previously in court and at deposition, but I think
6	on her oath as follows:	6		it would be worthwhile to review those briefly so
7	(Gibbons Deposition Exhibit No. 42	7		hopefully we can have a clean record today, okay,
8	was marked for identification.)	8		ma'am?
9	EXAMINATION	9		The first, perhaps most important,
10				
	BY MR. MUISE:	10		rule is that only one of us should be talking at a
11	Q Good morning, ma'am. My name is Robert Muise, and			time. There's a tendency in normal conversation
12	I'm an attorney representing the plaintiffs in this	12		that, when somebody's asking a question, you may
13	case, the plaintiffs being the American Freedom	13		anticipate the question and want to start answering
14	Defense Initiative, Robert Spencer, and Pamela	14		before the whole question is asked. I'd ask you to
15	Geller.	15		refrain from that tendency, let me get my complete
16	I'm going to be asking you some	16		question out, and then start answering, and I will
17	questions during the course of this deposition. I	17		likewise do the same and not ask a follow-up
18	believe we sort of met during the preliminary	18		question until you're done completely answering,
19	injunction hearing where you testified previously.	19		okay, ma'am?
20	At the deposition today, to my right,	20	Α	Okay.
21	is Dan Piedra, who is an assistant with my office at	21	Q	And it's going to be important that the two of us
22	the American Freedom Law Center, and then to his	22		speak up and speak as clearly as we can, so, again,
23	right is Avery Gordon, who is an attorney	23		our court reporter can hear everything, okay, ma'am?
24	representing SMART, and to his right is	24	Α	Sure.
25	Mr. Christian Hildebrandt, who I understand is going	25	Q	If I ask you a question and you don't understand the
	Page 6			Page 8
1	to be representing you today.	1		question, my Boston accent still is kind of
2	Could you please state your full	2		lingering and I cut words off or I sometimes speak
3	name, for the record.	3		too quickly, I apologize ahead of time to our court
4	A Beth Ann Gibbons.	4		reporter, let me know. I want to make sure you
5	Q Is your first name Elizabeth, or you just go by	5		completely understand my questions before answering
6	Beth?	6		okay, ma'am?
7	A It's just Beth.	7	Α	Yes.
8	Q And, ma'am, you've previously testified under oath			And if there's a document that might help you to
9	at the preliminary injunction hearing, correct?	9	_	more fully answer a particular question, let me
10	A Yes.	10		know. There might be a good chance that I have it
11		11		here in my box, and I want to make sure that your
	Q Have you ever given a deposition before?	12		-
12	A Yes.			answers are as full and complete as possible today,
13	Q How many times?	13	^	okay, ma'am?
14	A Once.	14		Okay.
15	Q And what was the case?	15	Q	If you need a break during the course of the
16	A It was an employment matter, but it was not one of	16		deposition at any time, please let me know. This is
17	my employees.	17		not enhanced interrogation, by any stretch. The
18	Q Employment matter at SMART?	18		only caveat being that, if we're in the middle of a
19	A At SMART.	19		question and answer, I'd ask you complete answering
20	Q So do you understand that today your testimony is	20		the question before we take a break, okay?
21	given under oath as if you were testifying in a	21	Α	(Witness nodded head.)
22	court of law?	22		THE COURT REPORTER: Is that a "yes"?
23	A Yes.	23	Α	Yes.
24	Q And to your right is our court reporter, and perhaps	24	Q	That was the next thing I was going to bring up, so
25	one of the most important people in this room, and	25		there's a good example. You got to make sure that

		Page 9			Page 11
1		you respond to the questions using words, not head	1		Mr. Chubb was designated to be the witness to
2		gestures, 'cause the court reporter can't take down	2		testify on behalf of SMART?
3		gestures, and refrain from answering questions	3	Α	Yes.
4		"um-hum" or "uh-huh"; use "yes," "no," so that way	4	Q	So, in fact, that was the SMART deposition that you
5		we can tell from the record at the end whether it's	5		technically reviewed, correct?
6		an affirmative response or a negative response,	6	Α	Correct.
7		okay, ma'am?	7	Q	Any other documents that you reviewed to help you
8	Α	Okay.	8		refresh your recollection of events related to this
9	Q	Is there any reason that you can think of, as you're	9		litigation?
10		sitting here today, why it might be difficult for	10	Α	No.
11		you to fully understand and answer my questions,	11	Q	Now, ma'am, how are you currently employed?
12		meaning are you under any doctor's care, do you have	12	Α	I am the manager of marketing communications at
13		any personal issues? I don't need to know any	13		SMART.
14		details. I just want to make sure, as you're	14	Q	How long have you held that position?
15		sitting here today, that you're going to be able to	15	A	Five years, I believe.
16		fully understand and answer my questions. Is there	16		Was that the position you held when my clients'
17		anything you can think of that would prevent you	17	~	advertisement was presented to SMART for display?
18		from fully understanding and answering my questions		Α	No. I had a different title.
19		here today?	19	Q	And what was your title at that time?
20	Α	-	20	A	I think it was a marketing program manager.
21		In preparation for this deposition, did you review	21	Q	
	Q		22	Q	, , , , , , , , , , , , , , , , , , , ,
22		any documents to help you refresh your recollection			position from the one you held previously as the
23	۸	of the events related to this litigation?	23		marketing program manager?
24 25	A	Yes.	24	^	MR. HILDEBRANDT: Object; vague.
	Q	And could you tell me what those documents were,	25	A	Not sure what you mean by "elevated."
		Page 10			Page 12
1		ma'am.	1	В	MR. MUISE:
2	Α	The Sixth Court opinion, the depositions of Pam	2	Q	Certainly. Who held the position of manager of
3		Geller and Anthony Chubb. I think that's it.	3		marketing and what was the full title you have?
4	Q	And is your understanding	4	Α	Marketing communications. That title didn't exist
5	Α	Oh, the production documents, I'm sorry.	5		at that time.
6	Q	When you say, "production documents," are those th	e 6	Q	Well, the title you hold now, was that a promotion
7		documents that were produced by SMART?	7		from the position you held previously?
8	Α	Correct.	8	Α	Probably.
9	Q	And just so we're clear, I've been using the term	9	Q	Is there somebody who is the marketing program
10	_	"SMART"; you understand that stands for Suburban	10	_	manager today?
11		Mobility Authority for Regional Transportation,	11	Α	No.
12		correct?	12	Q	How long have you worked with SMART?
13	Α	Yes.	13	A	20 years.
14	Q	And SMART is one of the defendants in this case?	14	Q	Are your job duties different from when you were
15	A	Yes.	15	×	their marketing program manager to your position nov
16	Q	And is it okay with you if I use the acronym SMART	16		as the manager of marketing and communications?
17			17	٨	_
		through the course of this deposition to help speed		_	Yes.
18	٨	things along?	18	Q ^	What has changed between the two?
19	A	Yes.	19	Α	I'm now responsible for all of the marketing and
20	Q	Now, the production you're referring to is the	20		communication that go out to the, externally and
21		production that SMART provided to plaintiffs in this	21	_	internally.
22		case?	22	Q	And what were your duty and responsibilities as the
	Δ	Yes.	23		marketing program manager?
23					
23 24 25	Q	Now, you refer to the deposition transcript of Anthony Chubb; is it your understanding that	24 25	Α	I was responsible for smaller pieces of programs that we ran.

Page 13 A Was one of those programs advertising on SMART buses and bius shelters? 2 and bius shelters? 3 A Yes. 3 A Yes. 3 A Yes. 4 A Yes. 4 A A Wes. 5 A Yes. 5 A Yes. 6 A Yes. 6 A Yes. 7 A A Wes. 7 A Wes					
and bus shelters? A Viss A Miss upper present position? A Viss MR. HILDEBRANDT: She did not see this one prior to today; this vas just issued last night. She saw a notice of deposition, but it wasn't this one. MR. HILDEBRANDT: She did not see this one prior to today; This was just issued last night. She saw a notice of deposition, but it wasn't this one. A Viss MR. HILDEBRANDT: She did not see this one prior to today; This was just issued last night. She saw a notice of deposition, but it wasn't this one. A Viss MR. HILDEBRANDT: She did not see this one prior to today; This was just issued last night. She saw a notice of deposition, but it wasn't this one. A Viss MR. HILDEBRANDT: She did not see this one prior to today; This was just issued last night. She saw a notice of deposition, but it wasn't this one. B Wink mulls: A Viss B Wink mulls: A Viss B Wink mulls: A Viss A					Page 15
A Yes. 1		Q		ľ	
4 Q Do you still have responsibility over that gadvertising in your present position? 5 A Yes. 6 A Yes. 7 Q And when you were the marketing program manager, who you would your begosition is being table to deposition notice by which your deposition is being table to deposition notice by which your understanding? 8 A Elizabeth Dryden. 9 A Elizabeth Dryden. 10 Q Does she go by 'Beth' as weil? 11 A Yes. 12 Q I shouldn't say 'as well,' but we understand. Now, 12 BY MR. MUISE: 13 Q Os belizabeth Dryden currently work for SMART? 14 A No. 15 Q Do you know when she left SMART? 16 A 2010, I believe. Yes. 17 Q Did you essentially take over her position, then, 18 when she left? 18 when she left? 19 A Yes. 19 Q And I'll represent to you understand any our here today pursuant to a deposition notice. 19 A Yes. 19 Q And I'll represent to you that this is the latest deposition notice, which identified this location for the deposition. 19 A Yes. 19 Q And I'll represent to you that this is the latest deposition notice, which identified this location for the deposition. 19 A No. 10 Do you currently have a director of external affairs. 21 Q But you case and affairs. 22 Q Now, when you were the marketing program manager with a second that you have personal knowledge, and they indicated that you have personal knowledge, and they indicated that you have personal knowledge of SMART's policies and the application there? 10 A Yes. 11 A No. 12 Q Now, when you were the marketing program manager of ror SMART? 12 A No. 13 A Direction of external animager for SMART? 14 A No. 15 Q No you know how long he's been the general manager? 16 A Yes. 17 Q Do you know how long he's been the general manager? 18 Tor SMART? 19 A No really. 19 A No really. 20 Q Has it been more than ten years? 21 A No. 22 Q Do you know how long he's been the general manager when my list the experiment was presented to SMART for display? 22 A No really. 23 C Breat the work of the was the general manager when my list the experiment was presented to SMART for display? 24 A No.					-
deposition notice by which your deposition is being taken today; is that your understanding? A clarketh Dyden. By A clarketh Dyden. Comparison of the second of the sec					
taken today; is that your understanding? A Yes. Does he go by "Beth" as well? A Nes. Do Jou show when she left SMART? A No. O Jou seem hesitant, was there— When she left? A Nes. Director of external affairs. A Ves. A When when she left? A No. The sem hesitant, was there— A Director of external affairs. A No. Do you urrently have a director of external affairs? A No. Do you whon when year the marketing program manager, who who was the general manager for SMART? A No. Page 14 A No. Page 14 A No. Do you whow whow long he's been the general manager for SMART? A Ves. Do you know how long he's been the general manager when my there? A Ves. Do you know how long he's been the general manager when my there? A No. A John Harral, Do you know how long he's been the general manager when my there? A No. A John Harral, A Ves. A No. A John Harral, A Ves. A John Harral Harral Harral Harral Harral Harral Harral Harral Harral Harr		Q			
A Yes. A RICHIDEBRANDT: She did not see the marketing program manager, who was your boss, the person you report to directly? A Elizabeth Dryden. A Yes. Ishouldin't say "as well," but we understand. Now, does Elizabeth Dryden. A Yes. Ishouldin't say "as well," but we understand. Now, does Elizabeth Dryden. A Yes. By MR. MIUSE: By MR. MUSE: By MR.					
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this one and the last one, l'il represent to you, was the change of the location because of our court reporter issue. But you understand you're here today pursuant to a deposition notice? A Ves. You seem hesitant, was there— 20 And I'll represent to you that this is the latest deposition notice, which identified this location for the deposition notice, which identified this location for the deposition. Indice, which identified this location for the deposition. Indice, which identified this location for the deposition. In the defendants' initial disclosures to plaintiffs, they indicated, they identified you as a potential witness with personal Annual Alphane and Annual Alphane Page 14 Row, when you were the marketing program manager who was the general manager for SMART? A Ves. A John Hentel No. S o Q is he currently the general manager for SMART? S o G SMART's policies and the application thereof; is that a correct statement? A Ves. A No. A Ves. A No. S o Q boy unknow how long he's been the general manager or SMART? A No. A Ves. A No.	12	Q	I shouldn't say "as well," but we understand. Now,	12	BY MR. MUISE:
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17	15	Q	Do you know when she left SMART?	15	was the change of the location because of our court
when she left? A Yes. Q You seem hesitant, was there A Well, I didn't get the title. D What was her title? Q What was her title? A Director of external affairs. Page 14 Page 14 No. Now, when you were the marketing program manager, when you when you were the marketing program manager, or SMART? A Wes. A John Hertel. A Wes. A John Hertel. A No. B SA Yes. A John Hertel. A No Is he currently the general manager for SMART? A John Hertel. A No Is he currently the general manager for SMART? A John Hertel. A No Is he currently the general manager for SMART? A No Is he currently the general manager for SMART? A No Is rowledge of SMART will be at issue in this case is the advertising guidelines; you understand that? A No Is he currently the general manager for SMART? A No Is rowledge of SMART will be at issue in this case is the advertising guidelines; you understand that? A No Is he currently the general manager for SMART? A No Is he currently the general manager for SMART? A No Is least the whole 20 years that you've been there? A No Is least the been the whole 20 years that you've been there? A No Is least the position as marketing program manager, you were required at times to apply those guidelines to various advertising; is that correct? A No Is least the position as marketing program manager, you were required at times to apply those guidelines to various advertising; is that correct? A No Is least the position that you're holding now? Is lasm" advertisement, was presented to SMART for display? A Yes. A Ma'am, I hand you what's been previously marked as Exhibit No. 2; from the SMART deposition, Exhibit No. 2; from the SMART deposition of Exhibit	16	Α	2010, I believe. Yes.	16	reporter issue. But you understand you're here
19 A Yes. 20 Q You seem hesitant, was there — 21 A Well, I didn't get the title. 22 Q What was her title? 23 A Director of external affairs. 24 Q Do you currently have a director of external affairs? 25 affairs? 26 Page 14 27 A No. 28 Q Now, when you were the marketing program manager, when you know how long he's been the general manager for SMART? 29 A Not really. 20 Q Has it been the whole 20 years that you've been there? 21 A No. 22 A No. 23 A Director of external affairs. 24 (In the defendants' initial disclosures to plaintiffs, they indicated, they indicated that you have personal knowledge, and they indicated that you have personal knowledge, and they indicated that you have personal knowledge of SMART's policies and the application thereof; is that a correct statement? 29 A Now, when you were the marketing program manager of thereof; is that a correct statement? 30 A Yes. 31 A Yes. 42 Q Do you know how long he's been the general manager for SMART? 43 A No. 44 Yes. 45 A Not really. 46 A Yes. 47 Q Do you know how long he's been the general manager for SMART? 48 A No. 49 A Not really. 50 Q Has it been the whole 20 years that you've been there? 51 A No. 52 Q Has it been more than ten years? 53 A No. 54 A Yes. 55 Q La Shart. 56 A Yes. 57 Q Do you know if he was the general manager when my clients' advertisement, was presented to SMART for display? 58 G D D Waram, I hand you what's been previously marked as Exhibit No. 2 from the SMART deposition, Exhibit No. 2; if you'll take a look at that. Do you recognize the advertisement depicted on page two of Exhibit 2 to be my clients' advertisement at issue in this case? 59 A MRT. 50 A Wes. 51 A Yes. 52 A No. 53 A Yes. 54 A Yes. 55 Cannel Table Mark Tor the position of the advertising; is that correct? 56 A Yes. 57 Cannel Table Mark Toroutise, the bit intital deposition of the position of the advertising; is that correct? 50 A Yes. 51 A Yes. 52 Cannel Table Mark Toroutise Mark T	17	Q	Did you essentially take over her position, then,	17	today pursuant to a deposition notice?
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A Well, I didn't get the title. Q What was her title? Q Do you currently have a director of external affairs? Page 14 No. Now, when you were the marketing program manager, who was the general manager for SMART? A Ves. Do you know how long he's been the general manager for SMART? A No. Q Do you know how long he's been the general manager for SMART? A No. Q Do you know how long he's been the general manager for SMART? A No. Q Has it been the whole 20 years that you've been there? A No. Q Has it been more than ten years? A No. Q Has it been more than ten years? A No. Q Mad was the general manager when my clients' advertisement, was presented to SMART for display? A No. Q Ma'am, I hand you what's been previously marked as Exhibit No. 42, 'cause I'm running my plaintiffs' exhibits consecutively from the other deposition of the sure in this case? MR. MUISE: Counsel, you can take a In the defendants' initial disclosures to plaintiffs, they indicated, they idicated, they idicated, they idicated that you have personal knowledge, and they indicated that you have personal knowledge of SMART's policies and the application thereof; is that a correct statement? A Yes.	19	Α	Yes.	19	Q And I'll represent to you that this is the latest
22	20	Q	You seem hesitant, was there	20	deposition notice, which identified this location
A Director of external affairs. 23	21	Α	Well, I didn't get the title.	21	for the deposition.
24 Q Do you currently have a director of external affairs? Page 14 Page 14 Rowledge, and they indicated that you have personal knowledge, and they indicated that you have personal knowledge, and they indicated that you have personal knowledge of SMART's policies and the application thereof; is that a correct statement? Now, when you were the marketing program manager, who was the general manager for SMART? A John Herel. Q Is he currently the general manager for SMART? A Yes. O Do you know how long he's been the general manager for SMART? A Not really. A Not really. A No. Has it been the whole 20 years that you've been there? A No. A No. A No. Clients' advertisement was, and this is the "leaving slam" advertisement, was presented to SMART for display? A Yes. A Yes. A Yes. A Yes. A No. Clients' advertisement, was presented to SMART for display? A Yes. A Yes. A Yes. A Yes. A Yes. A No. Clients' advertisement, was presented to SMART for display? A Yes. A Ye	22	Q	What was her title?	22	In the defendants' initial
Page 14 Page 14 Roo. Now, when you were the marketing program manager, who was the general manager for SMART? A John Hertel. A Yes. O Do you know how long he's been the general manager for SMART? A No. O Has it been the whole 20 years that you've been there? A No. A No. O Has it been more than ten years? A No. O Do you know if he was the general manager when my clients' advertisement, was presented to SMART for display? A Yes. O Maram, I hand you what's been previously marked as Exhibit No. 42, 'causer I'm running my plaintiffs' exhibits consecutively from the other deposition of SMART. Page 16 Rowledge, and they indicated that you have personal they indicated that you have personal the application of the application of the application of the application of the page of SMART's policies and the application of the correct statement? A Yes. A Yes. A Yes. A Mod the policy that will be at issue in this case is the advertising guidelines; you understand that? A Yes. A No. O Had do you have personal knowledge of SMART's application of the advertising guidelines? A Yes. A No. In fact, in your position as marketing program manager, you were required at times to apply those guidelines to various advertising; is that correct? A Yes. A No. A Yes. A No. In fact, in your position as marketing program manager, you were required at times to apply those guidelines to various advertising; is that correct? A Yes. A Yes. In handing you what's been previously marked as Exhibit No. 2 from the SMART/Chubb, too, but it's from the SMART deposition, Exhibit No. 2; if you'll take a look at that. Do you recognize the advertisement depicted on page two of Exhibit 2 to be my clients' advertisement at issue in this case? B MART. MR. MUISE: Counsel, you can take a Yes. A Yes. A Yes.	23	Α	Director of external affairs.	23	disclosures to plaintiffs, they indicated, they
Page 14 A No. Now, when you were the marketing program manage, who was the general manager for SMART? By A John Hertel, who was the general manager for SMART? By C Is the currently the general manager for SMART? C Is the currently the general manager for SMART? C Do you know how long he's been the general manager for SMART? A Not really. A No. C Has it been the whole 20 years that you've been there? A No. C Has it been more than ten years? A No. C Do you know if he was the general manager when my clients' advertisement was, and this is the "leaving lislam" advertisement was, and this is the "leaving lislam" advertisement, was presented to SMART for display? A Yes. C Maram, I hand you what's been previously marked as Exhibit No. 2, 'cause I'm running my plaintiffs' Exhibit No. 42, 'cause I'm running my plaintiffs' MR. MUISE: Counsel, you can take a C And just for completeness, I'm handing you what's	24	Q	Do you currently have a director of external	24	identified you as a potential witness with personal
No. Now, when you were the marketing program manager, who was the general manager for SMART? No.	25		affairs?	25	knowledge, and they indicated that you have person
thereof; is that a correct statement? who was the general manager for SMART? John Hertel. 4 Q And the policy that will be at issue in this case is the advertising guidelines; you understand that? A Yes. 6 A Yes. 6 A Yes. Do you know how long he's been the general manager for SMART? 8 application of the advertising guidelines? A Not really. 9 A Yes. Has it been the whole 20 years that you've been there? 11 manager, you were required at times to apply those guidelines to various advertising; is that correct? A No. 12 manager, you were required at times to apply those guidelines to various advertising; is that correct? A No. 14 Q And do you still have that responsibility today in the position that you're holding now? Islam" advertisement, was presented to SMART for display? 18 Exhibit No. 2; from the SMART deposition, Exhibit No. 2; if you'll take a look at that. Do you recognize the exhibits consecutively from the other deposition of SMART. 23 A Yes. MR. MUISE: Counsel, you can take a 24 Q And just for completeness, I'm handing you what's			Page 14		Page 16
who was the general manager for SMART? 4 A John Hertel, 5 Q Is he currently the general manager for SMART? 6 A Yes. 7 Q Do you know how long he's been the general manager for SMART? 8 for SMART? 9 A Not really. 10 Q Has it been the whole 20 years that you've been there? 11 there? 12 A No. 13 A Yes. 14 Q And the policy that will be at issue in this case is the advertising guidelines; you understand that? 6 A Yes. 7 Q And do you have personal knowledge of SMART's application of the advertising guidelines? 9 A Yes. 10 Q Has it been the whole 20 years that you've been there? 11 there? 12 A No. 13 A Yes. 14 A No. 15 Q Do you know if he was the general manager when my clients' advertisement was, and this is the "leaving Islam" advertisement, was presented to SMART for display? 18 G Ma'am, I hand you what's been previously marked as Exhibit No. 42, 'cause I'm running my plaintiffs' exhibits consecutively from the other deposition of SMART. 24 MR. MUISE: Counsel, you can take a 25 A Yes. 26 A Yes. 27 Q And do you have personal knowledge of SMART's application of the advertising guidelines; you understand that? 6 A Yes. 9 A Yes.	1	Α	No.	1	knowledge of SMART's policies and the application
A John Hertel, Is he currently the general manager for SMART? A Yes. Do you know how long he's been the general manager for SMART? A Not really. Has it been the whole 20 years that you've been there? A No. Has it been more than ten years? A No. Do you know if he was the general manager when my clients' advertisement, was presented to SMART for display? A Yes. A No. Do you know if he was the general manager when my clients' advertisement, was presented to SMART for display? A Yes. A Yes. A Yes. A Yes. A No. A Yes. A No. A Yes. A No. Band the policy that will be at issue in this case is the advertising guidelines; you understand that? A Yes. A Yes.	2	Q	Now, when you were the marketing program manager	, 2	thereof; is that a correct statement?
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6 A Yes. 7 Q Do you know how long he's been the general manager for SMART? 8 for SMART? 9 A Not really. 10 Q Has it been the whole 20 years that you've been there? 11 manager, you were required at times to apply those guidelines to various advertising; is that correct? 13 Q Has it been more than ten years? 14 A No. 15 Q Do you know if he was the general manager when my clients' advertisement, was presented to SMART for display? 16 display? 17 Glam' advertisement, was presented to SMART for display? 18 Exhibit No. 2 from the SMART deposition, Exhibit No. 2; if you'll take a look at that. Do you recognize the advertisement at issue in this case? 20 SMART. 21 MR. MUISE: Counsel, you can take a 22 Mand do you still have that responsibility today in the position that you're holding now? 22 exhibits consecutively from the other deposition of SMART. 23 A Yes. 24 MR. MUISE: Counsel, you can take a 25 GNART. 26 A No. 27 And do you still have that responsibility today in the position that you're holding now? 28 Exhibit No. 2 from the SMART/Chubb, too, but it's from the SMART deposition, Exhibit No. 2; if you'll take a look at that. Do you recognize the advertisement depicted on page two of Exhibit 2 to be my clients' advertisement at issue in this case? 29 SMART. 20 And just for completeness, I'm handing you what's	4	Α	John Hertel.	4	Q And the policy that will be at issue in this case is
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9 A Not really. 10 Q Has it been the whole 20 years that you've been 11 there? 11 manager, you were required at times to apply those 12 puidelines to various advertising; is that correct? 13 Q Has it been more than ten years? 14 A No. 15 Q Do you know if he was the general manager when my 16 clients' advertisement was, and this is the "leaving Islam" advertisement, was presented to SMART for display? 18 A Yes. 19 A Yes. 19 A Yes. 19 Q Ma'am, I hand you what's been previously marked as Exhibit No. 24, 'cause I'm running my plaintiffs' exhibits consecutively from the other deposition of SMART. 20 MR. MUISE: Counsel, you can take a 21 MR. MUISE: Counsel, you can take a 22 A Yes. 23 A Yes. 24 MR. MUISE: Counsel, you can take a 24 Q And just for completeness, I'm handing you what's	7	Q	Do you know how long he's been the general manage	r 7	Q And do you have personal knowledge of SMART's
there? A No. Has it been the whole 20 years that you've been there? A No. Has it been more than ten years? A No. Do you know if he was the general manager when my clients' advertisement was, and this is the "leaving lslam" advertisement, was presented to SMART for display? A Yes.	8		for SMART?	8	application of the advertising guidelines?
there? 1 manager, you were required at times to apply those guidelines to various advertising; is that correct? 1 various advertising; is that correct? 2 various advertising: 4 various advertising: 4 ves. 2 various advertising: 5 that correct? 2 various advertising: 5 that correct? 4 ves. 2 various advertising: 5 that correct? 4 ves. 2 various advertising: 5 that correct? 4 ves. 2 various advertising: 5 various advertising: 5 various advertising: 6 various advertising: 7 various advertising: 7 various advertising: 8 various advertising: 9 various advertising: 1 various advertising: 1 various advertising: 1 various ad	9	Α	Not really.	9	A Yes.
12 A No. 13 Q Has it been more than ten years? 14 A No. 15 Q Do you know if he was the general manager when my 16 clients' advertisement was, and this is the "leaving 17 Islam" advertisement, was presented to SMART for 18 display? 19 A Yes. 19 Q Ma'am, I hand you what's been previously marked as 20 Exhibit No. 2 from the SMART deposition, Exhibit No. 2; if you'll 21 take a look at that. Do you recognize the 22 exhibits consecutively from the other deposition of 23 SMART. 24 MR. MUISE: Counsel, you can take a 26 Guidelines to various advertising; is that correct? 27 A Yes. 28 Guidelines to various advertising; is that correct? 29 A Yes. 20 And do you still have that responsibility today in 29 the position that you're holding now? 20 I'm handing you what's been previously marked as 21 Exhibit No. 2 from the SMART/Chubb, too, but it's 22 advertisement depicted on page two of Exhibit 2 to 23 be my clients' advertisement at issue in this case? 24 Q And just for completeness, I'm handing you what's	10	Q	Has it been the whole 20 years that you've been	10	Q In fact, in your position as marketing program
Q Has it been more than ten years? 14 A No. 15 Q Do you know if he was the general manager when my 16 clients' advertisement was, and this is the "leaving 17 Islam" advertisement, was presented to SMART for 18 display? 19 A Yes. 10 Q Ma'am, I hand you what's been previously marked as 20 Exhibit No. 2 from the SMART/Chubb, too, but it's 21 from the SMART deposition, Exhibit No. 2; if you'll 22 exhibits consecutively from the other deposition of 23 SMART. 24 MR. MUISE: Counsel, you can take a 13 A Yes. 14 Q And do you still have that responsibility today in the position that you're holding now? 16 A Yes. 17 Q I'm handing you what's been previously marked as Exhibit No. 2 from the SMART/Chubb, too, but it's from the SMART deposition, Exhibit No. 2; if you'll take a look at that. Do you recognize the advertisement depicted on page two of Exhibit 2 to be my clients' advertisement at issue in this case? A Yes. 24 Q And just for completeness, I'm handing you what's	11		there?	11	manager, you were required at times to apply those
A No. Q Do you know if he was the general manager when my clients' advertisement was, and this is the "leaving lslam" advertisement, was presented to SMART for display? A Yes. Q Ma'am, I hand you what's been previously marked as Exhibit No. 42, 'cause I'm running my plaintiffs' exhibits consecutively from the other deposition of SMART. MR. MUISE: Counsel, you can take a 14 Q And do you still have that responsibility today in the position that you're holding now? the position that you're holding now? If A Yes. Q I'm handing you what's been previously marked as Exhibit No. 2 from the SMART/Chubb, too, but it's from the SMART deposition, Exhibit No. 2; if you'll take a look at that. Do you recognize the advertisement depicted on page two of Exhibit 2 to be my clients' advertisement at issue in this case? A Yes. A Yes. Q And just for completeness, I'm handing you what's	12	Α	No.	12	guidelines to various advertising; is that correct?
15 Q Do you know if he was the general manager when my 16 clients' advertisement was, and this is the "leaving 17 Islam" advertisement, was presented to SMART for 18 display? 19 A Yes. 19 Q Ma'am, I hand you what's been previously marked as 20 Exhibit No. 2 from the SMART/Chubb, too, but it's 21 from the SMART deposition, Exhibit No. 2; if you'll 22 take a look at that. Do you recognize the 23 advertisement depicted on page two of Exhibit 2 to 24 be my clients' advertisement at issue in this case? 25 A Yes. 26 Q And just for completeness, I'm handing you what's	13	Q	Has it been more than ten years?	13	
15 Q Do you know if he was the general manager when my 16 clients' advertisement was, and this is the "leaving 17 Islam" advertisement, was presented to SMART for 18 display? 19 A Yes. 19 Q Ma'am, I hand you what's been previously marked as 20 Exhibit No. 2 from the SMART/Chubb, too, but it's 21 from the SMART deposition, Exhibit No. 2; if you'll 22 take a look at that. Do you recognize the 23 advertisement depicted on page two of Exhibit 2 to 24 be my clients' advertisement at issue in this case? 25 A Yes. 26 Q And just for completeness, I'm handing you what's	14	Α	No.	14	Q And do you still have that responsibility today in
clients' advertisement was, and this is the "leaving lslam" advertisement, was presented to SMART for display? A Yes. Q I'm handing you what's been previously marked as Exhibit No. 2 from the SMART/Chubb, too, but it's from the SMART deposition, Exhibit No. 2; if you'll take a look at that. Do you recognize the Exhibit No. 42, 'cause I'm running my plaintiffs' exhibits consecutively from the other deposition of SMART. MR. MUISE: Counsel, you can take a 24 Q And just for completeness, I'm handing you what's	15	Q	Do you know if he was the general manager when my	15	
Islam" advertisement, was presented to SMART for display? 18	16				
display? A Yes. Q Ma'am, I hand you what's been previously marked as Exhibit No. 24, 'cause I'm running my plaintiffs' exhibits consecutively from the other deposition of SMART. MR. MUISE: Counsel, you can take a Exhibit No. 2 from the SMART deposition, Exhibit No. 2; if you'll take a look at that. Do you recognize the advertisement depicted on page two of Exhibit 2 to be my clients' advertisement at issue in this case? A Yes. A Yes.	17			17	
19 A Yes. 19 from the SMART deposition, Exhibit No. 2; if you'll 20 Q Ma'am, I hand you what's been previously marked as 21 Exhibit No. 42, 'cause I'm running my plaintiffs' 22 exhibits consecutively from the other deposition of 23 SMART. 24 MR. MUISE: Counsel, you can take a 19 from the SMART deposition, Exhibit No. 2; if you'll 20 take a look at that. Do you recognize the 21 advertisement depicted on page two of Exhibit 2 to 22 be my clients' advertisement at issue in this case? 23 A Yes. 24 Q And just for completeness, I'm handing you what's	18		display?	18	
Q Ma'am, I hand you what's been previously marked as Exhibit No. 42, 'cause I'm running my plaintiffs' 21 advertisement depicted on page two of Exhibit 2 to exhibits consecutively from the other deposition of SMART. 23 A Yes. 24 MR. MUISE: Counsel, you can take a 20 take a look at that. Do you recognize the advertisement depicted on page two of Exhibit 2 to be my clients' advertisement at issue in this case? 23 A Yes. 24 Q And just for completeness, I'm handing you what's	19	Α		19	from the SMART deposition, Exhibit No. 2; if you'll
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22 exhibits consecutively from the other deposition of 22 be my clients' advertisement at issue in this case? 23 SMART. 23 A Yes. 24 MR. MUISE: Counsel, you can take a 24 Q And just for completeness, I'm handing you what's	21			21	· -
23 SMART. 23 A Yes. 24 MR. MUISE: Counsel, you can take a 24 Q And just for completeness, I'm handing you what's				22	
MR. MUISE: Counsel, you can take a 24 Q And just for completeness, I'm handing you what's			-		-
45 guive ivon at that, 1 45 Deen Halikeu Dievidualy 45 Exhibit 35 Holli the Gene			quick look at that.	25	been marked previously as Exhibit SS from the Gell

		Page 17		Page 19
1		deposition; is that the same advertisement at issue?	1	that's not a stipulation I will agree to.
2	Α	Yes.	2	MR. HILDEBRANDT: I get that.
3		MR. HILDEBRANDT: How is it you have	3	MR. MUISE: I disagree with your
4		the original exhibits from Geller's deposition?	4	proposal. You can state it for the record, if you'd
5		MR. MUISE: I don't.	5	like, but that's fine. We'll deal with that with
6		MR. HILDEBRANDT: Okay.	6	the summary judgment motions.
7		MR. MUISE: It's a photocopy.	7	MR. HILDEBRANDT: The witness is here
8	В	Y MR. MUISE:	8	to give her personal knowledge. Go ahead and tel
9	Q	I'm handing you what's been previously marked as	9	him, if you can.
10		Exhibit No. 3 from the SMART/Chubb deposition; do	10	A I believe it was section 5.07, B, one and four.
11		you recognize what that document depicts, ma'am?	11	BY MR. MUISE:
12	Α	Yes.	12	Q What was it about my clients' advertisement that
13	Q	And does this contain, this Exhibit No. 3, contain	13	was, looking at 5.07, B, one, political or political
14		the advertising guidelines at issue in this case?	14	campaign advertising? What was it that, is your
15	Α	Yes.	15	understanding, as to what made my clients' leaving
16	Q	And if you look on the third page of the exhibit,	16	Islam advertisement political or political campaign
17		but it's marked as page 40 at the bottom, and it	17	advertising?
18		says, "5.07, Advertising Guidelines; do you see	18	A It was the use of "fatwa on your head" that was
19		that, ma'am?	19	deemed to be political, and then the website, the
20	Α	Yes.	20	actual website and the references within the
21	Q	And those advertising guidelines identified under	21	website.
22		section 5.07, those are the guidelines that were	22	Q And what was it about "fatwa on your head" that
23		used to deny my clients' advertisement in this case;	23	makes this advertisement political?
24		is that correct, ma'am?	24	A Fatwa is a legal mandate under Sharia law, and that
25	Α	Yes.	25	makes it political.
		Page 18		Page 20
1	Q	And which of the guidelines, is it your	1	Q When did you come to an understanding that a fatw
2	_	understanding, that were employed to deny my	2	is a legal mandate under Sharia law?
3		clients and just for the purpose of this	3	A In preparing for this today.
4		deposition, the advertisement that's at Exhibit SS	4	Q Did you know that a fatwa was a legal mandate under
5		and Exhibit 2 that we identified as my clients'	5	Sharia law back when my clients' advertisement was
6		advertisement, I'm going to refer to it as the	6	declined by SMART?
7		leaving Islam advertisement; is that okay with you,	7	A No.
8		ma'am?	8	Q And then you mentioned the website; what is it that
9	Α		9	was on the website that made this advertisement a
10	Q		10	political advertisement?
11		Exhibit 3 were employed to deny my clients' leaving	11	A Because they were advocating for a particular side.
12		Islam advertisement?	12	Q Did you review the website back when my clients'
13		MR. HILDEBRANDT: We've already	13	advertisement was originally declined by SMART?
14		produced a witness on behalf of SMART under Rule	14	A I may have. I don't really recall.
15		30(b)(6) who has testified to this. As she's	15	Q What do you recall about being on the website wher
16		testifying to this today, she's not binding SMART in	16	you reviewed it back when my clients' advertisement
17		any way.	17	was denied?
18		MR. MUISE: You can believe that, if	18	MR. HILDEBRANDT: Asked and answered.
19		you want. She's a defendant in this case, and we'll	19	A I couldn't tell you.
20		let the Court decide how binding her statements are	20	BY MR. MUISE:
21		on the defense in this case.	21	Q How did you learn to testify here today that there
22		MR. HILDEBRANDT: Certainly she's	22	was something on the website that SMART used to
23		binding on the defendant, but she's not being	23	determine this advertisement was political?
24		produced as the witness on behalf of SMART today	24	MR. HILDEBRANDT: I'm going to object
25		MR. MUISE: I understand that. But	25	to the form of the question. How did you learn to

		Page 21			Page 23
1		testify today?	1	Α	I don't remember if I did.
2		MR. MUISE: Is that what said? What	2	Q	You, in your position as the, the previous position,
3		was the question, ma'am?	3		and I guess, apparently, your position today, as the
4		(The last question was read back.)	4		marketing program manager, you make determinations
5		MR. HILDEBRANDT: Same objection. Go	5		you can or you have made determinations of whether
6		ahead.	6		an advertisement should be displayed or not
7	Α	How did I learn today that can you repeat the	7		displayed based on the advertising guidelines,
8		question. I'm not sure I understood it.	8		correct?
9	В	Y MR. MUISE:	9	Α	I usually, if it's presented to me, send it to legal
10	Q	Okay. Let me try rephrasing it, it might help. You	10		for an opinion.
11		testified that there were essentially two things, as	11	Q	But you have the authority to make a determination
12		I recall, you said SMART used to determine that it	12		to run an ad or not run an ad; isn't that correct?
13		was a political advertisement.	13	Α	I could.
14		MR. HILDEBRANDT: I'm going to object	14	Q	When you make determinations to run or not run an
15		to the mischaracterization. She did not say that	15		ad, in your capacity as the program manager, do you
16		SMART used that. She's testifying to what she has	16		always look at websites that are referenced on the
17		personal knowledge of.	17		advertisements that are presented?
18	B١	/ MR. MUISE:	18	Α	It could be part of the decision, yes.
19		Okay. Is it your personal knowledge that SMART	19		But is it the policy that you always look at the
20	_	determined that fatwa was a legal mandate under	20	_	websites?
21		Sharia law?	21		MR. HILDEBRANDT: This is not being
22	٨		22		presented, put forward, the policy, but rather her
23		Is it my understanding? Yes, ma'am.	23		
		·	24	D)	personal knowledge. / MR. MUISE:
24		Yes.			
25	Q	Okay. And is it your understanding that SMART mad	20	<u>u</u>	I'm asking about your personal knowledge regarding
		Page 22			Page 24
1		some determination this was political also based on	1		the application of SMART's policy.
2		what was contained on the website	2	Α	Yes, it would become part of the process.
3		RefugeFromIslam.com?	3	Q	In every case.
4	Α	Yes.	4	Α	Yes.
5	Q	And what was it, based on your understanding, that	5	Q	Aside from the guidelines that we looked at in
6		was political about the website RefugeFromIslam.com	6		Exhibit 3, are there any other guidelines or manuals
7	Α	I don't know. I mean, I don't know specifics.	7		or policies, that you're aware of, that would
8		When this advertisement was presented to SMART for	8		provide a definition for what is political or not
9		display, did that request come through you or to	9		political in terms of how these guidelines are
10		you?	10		applied?
11	Α	Yes.	11		MR. HILDEBRANDT: Go ahead.
12	Q		12	Α	No.
13	_	determine, based on your understanding of SMART's	13		Y MR. MUISE:
14		guidelines, whether it was political or not	14	Q	
15		political?	15	w.	as used by these advertising guidelines, and I'm
16	٨	I sent it to legal for an opinion.	16		referring again to Exhibit 3?
		What was your view when you saw this advertisement		٨	
17	u	,	17	Α	,
18		when it was first presented to you; did you believe	18	^	advocates for a particular side.
19		it was political at that time?	19	Q	3
20		Not necessarily.	20		the definition of political that's employed for the
21		Why not?	21		application of these advertising guidelines?
22	Α	I didn't really have a good understanding of what	22	A	I've always known that. I guess it's just
23	_	the ad was or what it meant.	23		qualifying it with words is a difficult subject.
24	Q	Did you go to the website to find out more about the	24		MR. MUISE: How did she answer that,
25		advertisement?	25		"qualifying it"

	Page 25			Page 27
1	(The last answer was read back.)	1	Q	_
2	BY MR. MUISE:	2	A	
3	Q Would it be fair to say that you were able to	3		And you're referring to, there's a website on that
4	qualify it with words after reading the SMART/Chubb	4	٦	advertisement; is that correct?
5	deposition?	5	Α	Yes.
6	A Yes.	6	Q	
7	Q Prior to reading that deposition, would you have	7		Correct.
8	qualified it with words in the same manner?	8		Did you get a chance to review that advertisement
9	A I don't know.	9	_	before it was accepted by SMART?
10	Q So if you said political is advocating for a	10	Α	Yes?
11	political side?	11	Q	And when you reviewed that advertisement, did you g
12	A A particular side.	12	-	look at that website, DetroitCoR.org?
13	Q A particular side. Can't read my own writing, I'm	13	Α	I may have. I don't know.
14	sorry. Particular side of what?	14	Q	
15	A Depends; pro or con, however, you know, depending on	15	Α	-
16	the issue or the subject.	16		Do you recall whether that website advocated for a
17	Q Based on your understanding, would advocating for a	17		certain, advocated for a particular side of an
18	political side be, for example, an advertisement	18		issue?
19	that advocated for the non-existence of God?	19	Α	I would say no.
20	MR. HILDEBRANDT: Object to the	20	Q	You don't recall, or you don't know if it did?
21	hypothetical.	21	Α	I would say no, because it was posted.
22	A Advocating for it? I don't know. I couldn't answer	22	Q	Now, is your understanding this advertisement that
23	that. I'd have to see the ad.	23		we're referring to, I'll refer to it, we can refer
24	BY MR. MUISE:	24		to it as the Detroit Coalition of Reason or the
25	Q You have seen a similar ad, haven't you, ma'am?	25		atheist advertisement; are you okay with either one
	Page 26			Page 28
1	Handing you what's been marked Exhibit No. 4.	1		of those?
2	MR. HILDEBRANDT: It's not a	2	Α	That's fine.
3	question.	3	Q	Do you have any personal knowledge that this atheis
4	BY MR. MUISE:	4		advertisement was vandalized while it was displayed?
5	Q Handing you what's been previously marked as Exhibit	5	Α	Yes.
6	No. 4. Do you recognize the	6	Q	It was, in fact, vandalized, correct?
7	MR. HILDEBRANDT: What deposition?	7	Α	Yes.
8	MR. MUISE: From the SMART/Chubb	8	Q	Do you know what the nature of the vandalism was?
9	deposition.	9	Α	I can see this, in this particular picture, that the
10	BY MR. MUISE:	10		piece of the ad was pulled off and some scratching
11	Q Do you recognize the advertisement depicted in that	11		on the word "don't."
12	exhibit, ma'am?	12	Q	So an advertisement that says, "Don't believe in
13	A Yes.	13		God, question mark, "you're not alone," does not
14	MR. HILDEBRANDT: We can recognize	14		advocate for a particular side of an issue?
15	Chubb/SMART as either Chubb or SMART. We understan			I believe it's a religious ad.
16	the nature of SMART and the nature of Chubb in that	16	Q	When you say you believe it's a religious ad, but
17	deposition, you can refer to it either way. I don't	17		can't religious ads also advocate for a particular
18	have any problem with it.	18		side?
19	MR. MUISE: Okay.	19	A	
20	BY MR. MUISE:	20	Q	3 · · · · · · · · · · · · · · · · · · ·
21	Q In the SMART exhibit that I just handed you, do you	21		exist, that would be a political ad under SMART's
22	recognize that advertisement contained on page two?	22		guidelines?
23	A Yes.	23		MR. HILDEBRANDT: I'm going to object
24	Q And what advertisement was that?	24		to the hypothetical.
25	A It's the CoR ad, Detroit CoR ad.	25	Α	Could you state the question again.

		Da 22 00			D 21
-		Page 29	_		Page 31
1		(The last question was read back.)	1	_	probably responsible for handling it.
2		Yes, I believe so.	2		And why do you say that?
3		/ MR. MUISE:	3	Α	Just because there was a couple of us that did the
4	Q		4	_	website in terms of posting.
5		displayed, did it create controversy, that you're	5	Q	And who else besides you?
6		aware of?	6	Α	It was another employee from marketing department.
7		Yes.	7	Q	Was it somebody that worked for you?
8		What controversy are you aware of?	8	Α	No.
9	Α	There were some complaints from the public and	9	Q	
10		drivers, and then, obviously, the vandalism.	10		chain, so to speak?
11	Q	What were the complaints from the public, that	11		Yeah.
12		you're aware of?	12	Q	And what was your understanding of the backgroun
13		They didn't like the ad being on the bus.	13		for the reason of putting that sentence on this part
14	Q	They say why?	14		of the web page?
15	Α	Not that I remember.	1.5	Α	Well, because of the controversy, people were
16	Q	How about drivers?	16		questioning the posting of our ad, or of that ad, of
17	Α	Drivers refused to drive those buses.	17		the Detroit CoR ad.
18	Q	Why?	18	Q	Was there anything else that was added to this
19	Α	Because it went against their belief.	19		section of the web page we're looking at on SMART
20	Q	What belief?	20		Exhibit 6 as a result of the Detroit CoR, or atheist
21	Α	Either they believed they must have believed in	21		advertisement, controversy?
22		God, I don't know, or their religion.	22	Α	I believe the third paragraph.
23	Q	Handing you what's been previously marked as Exhibi	23	Q	And the whole section that's in bold, "Advertising
24		No. 6.	24		posted on SMART property does not always reflect th
25		MR. HILDEBRANDT: Chubb 6?	25		views or opinions of SMART, its employees, or
		Page 30			Page 32
1		MR. MUISE: SMART 6.	1		riders"?
2		MR. HILDEBRANDT: Fine.	2	Α	That's correct.
3		MR. MUISE: Yes.	3	Q	And was that something that you added?
4	B'	Y MR. MUISE:	4	Α	I believe so.
5	Q	Do you recognize this web page, ma'am?	5	Q	And, again, that was added in response to the
6	Α	Yes.	6		controversy regarding the atheist advertisement?
7	Q	If you look under the advertising guidelines, and	7	Α	Yes.
8		there's three paragraphs under that section; do you	8	Q	Is there anything that changed, from your
9		see that, ma'am?	9		perspective, in SMART's application of its
10	Α		10		advertising guidelines following the controversy
11	Q		11		with the atheist advertisement?
12	_	reads, "First Amendment free speech rights require		Α	No.
13		that SMART not censor free speech and because of		Q	
14		that, SMART is required to provide equal access to	14	_	those guidelines, that that atheist advertisement
15		advertising on our vehicles."	15		would, if presented, be permissible under the
16	Δ	Yes.	16		guidelines again today; would you hold the same
17	Q		17		view?
18	A	-	18	Δ	I believe so.
19	Q		19	Q	
20	Q	advertising guidelines following the controversy	20	ď	clients' advertisement was declined were the same
21		related to the atheist advertisement?	21		
22	٨		22		guidelines that were used to accept the Detroit
		Yes.		٨	Coalition of Reason advertisement, correct?
23	Q	Did you have any role or responsibility in adding	23		Yes.
24		that language to this web page?	24	Q	
25	Α	I think so. I don't remember doing it, but I was	25		sitting here today, correct?

		Page 33			Dago 25
,			,		Page 35
1		Yes.	1		Mr. Yerushalmi:
2	Q	When my clients' advertisement, the leaving Islam	2		Question, "Ms. Gibbons, you
3		advertisement, was presented for review, I believe	3		understand you're testifying here on behalf of
4		you indicated that you sent it to the office of the	4		SMART, correct"?
5		general counsel for review, correct?	5		Do you remember what your answer was?
6		Yes.	6	A	No.
7	Q		7	Q	Your answer was, "Yes."
8		general counsel whether you believe the	8	Α	Okay.
9		advertisement complied with the particular	9	Q	Do you recall that?
10		guidelines or contrary to the guidelines?	10	A	
11		MR. HILDEBRANDT: I'm going to object	11	Q	And this transcript is already part of the record as
12		to that question; that infringes upon SMART's	12		document number 18.
13		attorney/client privilege. To the extent that this	13		Okay.
14		manager, employee, of SMART sought legal opinions of		Q	You were testifying under oath at that time; you
15		legal advice from the general counsel's office,	15		understood that, right, ma'am?
16		those conversations, and any content on them, are	16	Α	••
17		privileged, and I'm instructing the witness not to	17	Q	"Yes"?
18		answer that question.	18		Yes, I did. Sorry.
19	B	Y MR. MUISE:	19	Q	Do you recall, during this sworn testimony in court,
20	Q	Are you going to follow your attorney's advice?	20		you were asked questions about SMART's application
21	Α	Yes.	21		of the policy to the Detroit Coalition of Reason, or
22	Q	3.7	22		atheist advertisement, that we've been referring to
23	Α	Yes.	23		in Exhibit 4; do you remember being asked questions
24	Q	, , , , , , , , , , , , , , , , , , , ,	24		about that, ma'am?
25		counsel for review, did you seek information beyond	25	Α	Yeah.
		Page 34			Page 36
1		whether or not the advertisement comported with	1	Q	Do you remember being asked this question:
2		SMART's advertising guidelines as set forth in the	2		Question, "When SMART determined that
3		Exhibit 3, SMART Exhibit 3?	3		this ad was in compliance with its advertising
4		MR. HILDEBRANDT: I'm going to object	4		policies, guidelines, and procedures it examined
5		that that is privileged information. When this	5		just the ad copy and the art work, correct"?
6		manager, employee, seeks the counsel of the general	6		Do you remember your answer to that
7		counsel's office, she is engaging in attorney/client	7		question?
8		privileged communications, and I'm going to instruct	8	Α	No.
9		the witness not to answer.	9	Q	The answer was, "Yes"; that sound correct, ma'am?
10	В	Y MR. MUISE:	10	Α	Sure.
11	Q		11	Q	Then the next question was:
12	,	instructions?	12	•	"It didn't look to things extrinsic
13	Α		13		to the advertising itself to determine that."
14	Q		14		Do you remember your answer to that
15	Α		15		question?
16	Q			Α	No.
17	_	preliminary injunction; you remember doing that,	17	Q	You answered, "Correct."
18		correct?	18	A	,
19	Α	Yes.	19	Q	•
20		You understood, at that time, that you were	20	-	that, when SMART reviewed the atheist advertisemen
21	•	designated by SMART to testify on behalf of SMART	21		that it did not look at its website?
22		during that hearing; isn't that correct?	22		MR. HILDEBRANDT: Object to the
23	Δ	I didn't really realize the distinction at the time,	23		vagueness, and object to the mischaracterization of
24	^	I would say.	24		the prior testimony. Go ahead.
25	0	Okay. Do you recall being asked this question by	25	Δ	Well, I sent it to legal for review.
16	w	oray. Do you recan being asked this question by	43	М	vven, i sent it to legal for feview.

		Page 53			Page 55
1	^		1	۸	
1	Q	And during this collaboration did you express any	1	A	Yes.
2		view, one way or the other, whether the	2	Q	Is it your email address today?
3		advertisement should be accepted or rejected under	3	A	Yes.
4		SMART's advertising guidelines?	4	Q	Are you familiar with this communication?
5		MR. HILDEBRANDT: I'm going to object	5	Α	I don't remember it offhand, but, obviously, it was
6		to any reference or questions concerning any	6	_	sent to me.
7		conversations that took place with the office of the	7	Q	And it appears that this bottom communication, the
8		general counsel in this matter as attorney/client	8		email from Hawkins to Writeatlas@aol.com, is an
9		privileged, and I'm instructing her not to answer.	9		email to my client, Pamela Geller; is that your
10	В	Y MR. MUISE:	10		understanding?
11	Q	You're going to follow your attorney's instructions?	11	Α	Yes.
12	Α	Yes.	12	Q	And it's referring to, in the email from
13	Q	Are you going to answer the question?	13		Mr. Hawkins, the beginning, it says, "My primary
14	Α	No.	14		contact at SMART called today to notify me that your
15	Q	Did you ever have any conversations with the genera	l 15		ad was not approved"; do you see that?
16		manager, outside the presence of general counsel,	16	Α	Yes.
17		referring to my clients' advertisement, the leaving	17	Q	And then it appears that he has Beth Gibbons below
18		Islam advertisement?	18		and a phone number; you see that, ma'am?
19	Α	Nope.	19	Α	Yes.
20	Q	Did you ever have any conversations with anyone at	20	Q	Is that your phone number?
21		SMART outside the presence of the general counsel	21	Α	Yes.
22		regarding my clients leaving Islam advertisement?	22	Q	And did you contact Robert Hawkins to inform him
23	Α	No.	23		that the advertisement was not approved?
24	Q	Have you ever heard anyone at SMART refer to my	24	Α	Yes.
25	_	client or my clients' advertisement as being either	25	Q	
		Page 54			Page 56
					_
1		anti-Islam or Islamophobic?	1		advertisement was not approved?
2	A	No.	2	Α	I don't believe so.
3	Q	, риссия	3	Q	Why not?
4		article in Exhibit No. 44, did you forward those to	4	Α	It's not usually our policy. We'll just, that it
5		anyone?	5		was against the guidelines, the advertising
6	Α	l did.	6		guidelines.
7	Q	You did?	7	Q	Do you know if you even told him that it was agains
8	Α	I did.	8		the advertising guidelines?
9	Q	Who did you forward them to?	9	Α	I probably did.
	Α	I think I forwarded it to legal; probably my boss,	10		
10	, ,	t think i forwarded it to legal, probably my boss,	1 -0		MR. HILDEBRANDT: Don't "probably."
10 11	,,	Beth Dryden. From that point, I don't know.	11		MR. HILDEBRANDT: Don't "probably." The question is, do you know.
	,,			А	· · · · · ·
11	,,	Beth Dryden. From that point, I don't know.	11		The question is, do you know.
11 12	,,	Beth Dryden. From that point, I don't know. MR. MUISE: We've been going for	11 12		The question is, do you know. I don't know for sure. / MR. MUISE:
11 12 13	,	Beth Dryden. From that point, I don't know. MR. MUISE: We've been going for about an hour, you want to take five?	11 12 13	В١	The question is, do you know. I don't know for sure. / MR. MUISE:
11 12 13 14	,	Beth Dryden. From that point, I don't know. MR. MUISE: We've been going for about an hour, you want to take five? MR. GORDON: Please.	11 12 13 14	В١	The question is, do you know. I don't know for sure. MR. MUISE: And in the email above that, appears to be an email
11 12 13 14 15	,	Beth Dryden. From that point, I don't know. MR. MUISE: We've been going for about an hour, you want to take five? MR. GORDON: Please. (Break was taken.)	11 12 13 14 15	В١	The question is, do you know. I don't know for sure. MR. MUISE: And in the email above that, appears to be an email back from Writeatlas@aol.com, Pamela Geller, to
11 12 13 14 15	Q	Beth Dryden. From that point, I don't know. MR. MUISE: We've been going for about an hour, you want to take five? MR. GORDON: Please. (Break was taken.) (Gibbons Deposition Exhibit No. 45 was marked for identification.)	11 12 13 14 15	B) Q	The question is, do you know. I don't know for sure. MR. MUISE: And in the email above that, appears to be an email back from Writeatlas@aol.com, Pamela Geller, to Robert Hawkins; you see that?
11 12 13 14 15 16 17		Beth Dryden. From that point, I don't know. MR. MUISE: We've been going for about an hour, you want to take five? MR. GORDON: Please. (Break was taken.) (Gibbons Deposition Exhibit No. 45 was marked for identification.)	11 12 13 14 15 16	Q A	The question is, do you know. I don't know for sure. (MR. MUISE: And in the email above that, appears to be an email back from Writeatlas@aol.com, Pamela Geller, to Robert Hawkins; you see that? Yes.
11 12 13 14 15 16 17 18		Beth Dryden. From that point, I don't know. MR. MUISE: We've been going for about an hour, you want to take five? MR. GORDON: Please. (Break was taken.) (Gibbons Deposition Exhibit No. 45 was marked for identification.) Ma'am, I hand you what's been marked as Exhibit No. 45.	11 12 13 14 15 16 17 18	B) Q A Q	The question is, do you know. I don't know for sure. MR. MUISE: And in the email above that, appears to be an email back from Writeatlas@aol.com, Pamela Geller, to Robert Hawkins; you see that? Yes. And you were cc'd on that email as well? Yes.
11 12 13 14 15 16 17 18	Q	Beth Dryden. From that point, I don't know. MR. MUISE: We've been going for about an hour, you want to take five? MR. GORDON: Please. (Break was taken.) (Gibbons Deposition Exhibit No. 45 was marked for identification.) Ma'am, I hand you what's been marked as Exhibit No. 45. Okay.	11 12 13 14 15 16 17 18	A Q A	The question is, do you know. I don't know for sure. MR. MUISE: And in the email above that, appears to be an email back from Writeatlas@aol.com, Pamela Geller, to Robert Hawkins; you see that? Yes. And you were cc'd on that email as well? Yes. And in this email, she says, "Beth and Robert, thank
11 12 13 14 15 16 17 18 19	Q A	Beth Dryden. From that point, I don't know. MR. MUISE: We've been going for about an hour, you want to take five? MR. GORDON: Please. (Break was taken.) (Gibbons Deposition Exhibit No. 45 was marked for identification.) Ma'am, I hand you what's been marked as Exhibit No. 45. Okay.	11 12 13 14 15 16 17 18 19	A Q A	The question is, do you know. I don't know for sure. MR. MUISE: And in the email above that, appears to be an email back from Writeatlas@aol.com, Pamela Geller, to Robert Hawkins; you see that? Yes. And you were cc'd on that email as well? Yes. And in this email, she says, "Beth and Robert, thank you for getting back to me. What was it about the
11 12 13 14 15 16 17 18 19 20 21	Q A	Beth Dryden. From that point, I don't know. MR. MUISE: We've been going for about an hour, you want to take five? MR. GORDON: Please. (Break was taken.) (Gibbons Deposition Exhibit No. 45 was marked for identification.) Ma'am, I hand you what's been marked as Exhibit No. 45. Okay. Now, the bottom part of this exhibit appears to be	11 12 13 14 15 16 17 18 19 20 21	A Q A	The question is, do you know. I don't know for sure. MR. MUISE: And in the email above that, appears to be an email back from Writeatlas@aol.com, Pamela Geller, to Robert Hawkins; you see that? Yes. And you were cc'd on that email as well? Yes. And in this email, she says, "Beth and Robert, thank you for getting back to me. What was it about the ad that was not approved and what would have to be
11 12 13 14 15 16 17 18 19 20 21	Q A	Beth Dryden. From that point, I don't know. MR. MUISE: We've been going for about an hour, you want to take five? MR. GORDON: Please. (Break was taken.) (Gibbons Deposition Exhibit No. 45 was marked for identification.) Ma'am, I hand you what's been marked as Exhibit No. 45. Okay. Now, the bottom part of this exhibit appears to be an email from Robert Hawkins to, the address is Write, W-r-i-t-e, atlas@aol.com, and cc on there is	11 12 13 14 15 16 17 18 19 20 21 22 23	A Q A	The question is, do you know. I don't know for sure. MR. MUISE: And in the email above that, appears to be an email back from Writeatlas@aol.com, Pamela Geller, to Robert Hawkins; you see that? Yes. And you were cc'd on that email as well? Yes. And in this email, she says, "Beth and Robert, thank you for getting back to me. What was it about the ad that was not approved and what would have to be changed? Please let me know so we can get this
11 12 13 14 15 16 17 18 19 20 21 22 23	Q A	Beth Dryden. From that point, I don't know. MR. MUISE: We've been going for about an hour, you want to take five? MR. GORDON: Please. (Break was taken.) (Gibbons Deposition Exhibit No. 45 was marked for identification.) Ma'am, I hand you what's been marked as Exhibit No. 45. Okay. Now, the bottom part of this exhibit appears to be an email from Robert Hawkins to, the address is	11 12 13 14 15 16 17 18 19 20 21 22 23	A Q A Q	The question is, do you know. I don't know for sure. MR. MUISE: And in the email above that, appears to be an email back from Writeatlas@aol.com, Pamela Geller, to Robert Hawkins; you see that? Yes. And you were cc'd on that email as well? Yes. And in this email, she says, "Beth and Robert, thank you for getting back to me. What was it about the ad that was not approved and what would have to be

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		Page 57		Page 59
1	Q	Did I say that correctly?	1	Q Have you communicated, in other situations where a
2	Α		2	advertisement was declined, did you communicate to,
3	Q		3	either through Robert Hawkins or the individual who
4	-	I do not.	4	was proposing the advertisement, to explain to them
5	Q		5	why an advertisement was rejected by SMART?
6	· ·	MR. HILDEBRANDT: Do you know why she	6	A I may have. I can't remember off the top of my head
7		does not recall or why she didn't? You asked her if	7	right now.
8		she recalled doing it, and she said she did not, but	8	Q Do you know why you didn't do it in this case?
9		she did not say that she did not respond.	9	MR. HILDEBRANDT: Asked and answered.
10	۸	I'm sorry.	10	A I don't know.
11	^	MR. HILDEBRANDT: Sorry.	11	BY MR. MUISE:
12	D\	Y MR. MUISE:	12	Q I'm handing you what's been previously marked as
13	Q	Did you respond to Ms. Geller?	13	SMART Exhibit No. 7. Do you recall seeing this
14	Α	I do not believe I did.	14	advertisement prior to today?
15	Q		15	A Yes.
16	Α	I don't know.	16	Q Was this an advertisement that came across your de
17		(Gibbons Deposition Exhibit No. 46	17	at SMART?
18	_	was marked for identification.)	18	A I remember the ad. I don't know if I was the one
19	Q	,,		involved in this.
20		46. And just for time reference, you look at	20	Q What do you remember about seeing this ad?
21		Exhibit No. 45, it appears that those two emails we	21	A That it had been rejected by SMART.
22		were referring to were sent on May 24th of 2010,	22	Q Do you know if you had any role in the decision to
23		correct?	23	reject this advertisement by SMART?
24	Α	Yes.	24	A I don't believe I did. I think I was on vacation.
25	Q	Then on 46 appears to be another email, up top, sent	25	Q Do you know why SMART rejected this advertisemen
		Page 58		Page 60
1		on May 27, correct?	1	A They deemed it to be political.
2	Α	Yes.	2	Q Do you know why this is deemed to be political?
3	Q	And you were cc'd on this email, correct?	3	A Because it's about abortion.
4	Α	Looks like it, but my address isn't there.	4	Q Are there certain subject matter that are political
5	Q	On the cc, it says, "Gibbons, Beth," correct?	5	as opposed to actually, see, how did you define it,
6	Α	Correct.	6	advocating a particular side, based on your
7	Q	Look at the very top of the email, it says,	7	understanding of applying these guidelines?
8		"Gibbons, Beth," right?	8	MR. HILDEBRANDT: Object to the
9	Α	Yes.	9	vagueness of the question. Go ahead.
10	Q	So it's likely this email was printed from your	10	A There's no list.
11		email file; is that right?	11	BY MR. MUISE:
12	Α	Yes, that would be right.	12	Q Do you know, does this advertisement advocate for
13		And in this email Pam Geller is emailing to Robert	13	particular side of an issue?
14	-	Hawkins, cc'ing you, "Robert, Beth hasn't answered	14	A Well, it looks to be, yes; I mean, yes. You know,
15		me. Can you tell me who in SMART actually were	15	it was deemed political, it wasn't posted. That's
16		involved in the decision. Will contact them as	16	my understanding of the ad.
17		well. Thanks, Pamela"; do you see that?	17	Q Based on your understanding of the guidelines, do
18	Α	Yes.	18	you have a belief as to why you think this
19	Q		19	advertisement was political?
20	-	email or May 27, did you contact Ms. Geller to	20	A Well, abortion is very political, it's a politicized
21		inform her of the basis for SMART's decision to deny	L	issue. There's people who advocate for both sides.
22		her advertisement?	22	Q And just so I'm clear on this, so there are certain
23	Α	No.	23	issues, even though the advertisement may not be
24	Q	Do you know why?	24	advocating for a particular side, but there are
			25	certain issues where there are different sides of
25	Α	No.	43	certain issues where there are unferent sides of

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1	Q		1		make a determination yourself that it violated the
2	A		2		advertising guideline that prohibits advertising
3		And do you know, at that point, SMART said that it	3		
4	Q		<i>3</i>		that is clearly defamatory or likely to hold up to
	۸	would run the advertisement?	5		scorn or ridicule any person or group of persons; is
5	A	, , , , , ,		۸	that correct?
6	Q ^		6 7		I did not.
7	A	I was, yeah. I was part of the collaboration.		Q	And as you sit here today looking at the
8	Q		8		advertising, is there anything based on that
9		question mark, "You are not alone," that itself	9		advertisement that you believe violates that
10		doesn't convey a political message, based on your	10	^	provision of the advertising guidelines?
11		understanding of political as SMART applies it, in	11	А	Well, I believe, with the "fatwa on your head," that
12	^	the advertising guidelines?	12 13		it implies that, you know, there's harm, with your
13	A				family or community threatening you, could hold
14	Q	Looking back at my clients' advertisement, which was		_	people up to scorn or ridicule. It implies that.
15		marked as Exhibit SS, as well as part of SMART	15	Q	Do you know if, under Islam, there are fatwas that
16		Exhibit 2, when you viewed that advertisement did	16		are issued for people who leave Islam where threats
17		you believe, at the time when you viewed it, that it	17		are made against individuals for doing so?
18		was disparaging towards any group or individuals in	18		I believe that's what this ad is.
19		violation of SMART's advertising guidelines?	19	Q	But do you know
20	Α	I didn't know. I forwarded it to legal for their	20		MR. HILDEBRANDT: Do you know if
21	_	opinion.	21		that's the case under Islam.
22	Q	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	22		/ MR. MUISE:
23	A	I didn't know.	23	Q	Do you know if that's a fact?
24	Q	3	24	A	Apparently.
25		advertisement, you, Beth Gibbons, could not	25		
		advertisement, you, beth dissons, could not		ų	So is your understanding that there's anything in
		Page 66			Page 68
1			1	<u> </u>	
1 2		Page 66		A	Page 68
		Page 66 determine whether or not it was disparaging towards	1		Page 68 this advertisement that's not truthful about Islam?
2		Page 66 determine whether or not it was disparaging towards any group under the advertising guidelines?	1 2	A	Page 68 this advertisement that's not truthful about Islam? I don't know. I don't know that much detail.
2	В	Page 66 determine whether or not it was disparaging towards any group under the advertising guidelines? MR. HILDEBRANDT: Object to the	1 2 3	A	Page 68 this advertisement that's not truthful about Islam? I don't know. I don't know that much detail. But you have some understanding that a fatwa can
2 3 4	B' Q	Page 66 determine whether or not it was disparaging towards any group under the advertising guidelines? MR. HILDEBRANDT: Object to the vagueness of the question. You mean at the time? Y MR. MUISE:	1 2 3 4	A	Page 68 this advertisement that's not truthful about Islam? I don't know. I don't know that much detail. But you have some understanding that a fatwa can issue against an individual for leaving Islam and
2 3 4 5	_	Page 66 determine whether or not it was disparaging towards any group under the advertising guidelines? MR. HILDEBRANDT: Object to the vagueness of the question. You mean at the time? Y MR. MUISE:	1 2 3 4 5	A	Page 68 this advertisement that's not truthful about Islam? I don't know. I don't know that much detail. But you have some understanding that a fatwa can issue against an individual for leaving Islam and that fatwa may contain violence against the
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q	determine whether or not it was disparaging towards any group under the advertising guidelines? MR. HILDEBRANDT: Object to the vagueness of the question. You mean at the time? YMR. MUISE: When you first say that advertisement. I knew that this could impact SMART, so I forwarded it to legal for their opinion. Right. You already testified you had personal knowledge as to how the advertising guidelines are applied and at times you make determinations, correct? I have not. You have the authority to make determinations, correct? I can. So based on your understanding of the advertising guidelines, when you saw this, was there anything that you saw that violated the guideline that prohibits advertising that is clearly defamatory or likely to hold up to scorn or ridicule any person or group of persons?	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q	this advertisement that's not truthful about Islam? I don't know. I don't know that much detail. But you have some understanding that a fatwa can issue against an individual for leaving Islam and that fatwa may contain violence against the individual. Yes. My understanding, from prior testimony, is that the advertising guidelines we've been discussing today, those advertising guidelines were in place in 2008; is that your understanding? I believe, with the new contract, they were placed into that. And under those guidelines the only advertisements that have been rejected because they're political are my clients' leaving Islam advertisement, the abortion advertisement that we've been referring to here that's Exhibit No. 7 from the SMART deposition, and then, apparently, the most recent advertisement submitted by my client, which, I believe, was Exhibit tango, tango, with the website. MR. HILDEBRANDT: I'm going to object

6 Q Have you seen these emails prior to today, ma'am? 7 A Yes. 8 Q The very bottom email appears to be an email from Robert Hawkins to a Gende Huang, G-e-n-d-e, last name, H-u-a-n-g; do you see that? 11 A Yes. 12 MR. HILDEBRANDT: From Hawkins to 12 MR. HILDEBRANDT: From Hawkins to 13 Huang? 14 BY MR. MUISE: 15 Q Excuse me, from Huang to Hawkins. 16 A Okay, Yes. 17 Q And based on this email, it appears that Gende Huang is the national coordinator for United Coalition of Reason; is that fair to say? 18 A Yes. 19 Q And based on this email, it appears that Gende Huang? 19 Reason; is that fair to say? 20 A Yes. 21 Q Have you ever had any conversations with Gende Huang? 22 Huang? 23 A No. 24 Q Any communications with Gende Huang? 25 A No. 26 Very communications with Gende Huang? 27 A Yes. 28 Q In the second paragraph, he says, "We do have to continue being very careful on this issue and in Page 90 19 Q Is it your understanding that this is related to the atheist or DetroitCoR.org advertisement we discussed previously? 4 A Yes. 4 Q And what did you do? 5 Q Did you ever do any research on the United Coalition of Reason organization? 5 Q Did you ever do any research on the United Coalition of Reason organization? 5 Q Did you ever do any research on the United Coalition of Reason organization? 5 Q Was this in the context of reviewing the atheist, Detroit CoR, advertisement? 5 Q Was this in the context of reviewing the atheist, Detroit CoR, advertisement? 5 MR. HILDEBRANDT: Asked and answered. 5 We've already been through that advertisement. Hat you saw, that you recall, that would have made you determine that that advertisement was political? 6 MR. HILDEBRANDT: Asked and answered. 7 We've already been through that advertisement. Hat you asaw, that you recall, that would have made you determine whether an advertisement would cross the line and make political statements? 9 We've already been through tha	Î	T			
MR. GORDON: Take your time. Make sure you know what it is. A Okay. BY MR. MUISE: C A Have you seen these emails prior to today, ma'am? A Yes. C The very bottom email appears to be an email from Robert Hawkins to a Gende Huang, 0-en-d-e, last name, H-u-s-ney; do you see that? MR. HILDEBRANDT: From Hawkins to BY MR. MUISE: C A Correct. MR. HILDEBRANDT: From Hawkins to BY MR. MUISE: C A Correct. C A A Yes. A Yes. C And then via appears that you forward that up to Anthony Chubb, Avery Gordon, and Elizabeth Dryden ads when you inderstanding that the title of the ads when you forwarded this up were "Godless."? A Yes. C And it was your understanding that the title of the ads when you forwarded this up on January 12th of 2010; is that right? A Yes. C And then you get an email, it appears, back from Anthony Chubb the next day, correct? A Yes. A No. Page 90 Page 90 Page 90 Page 91 A Yes. A Y		Page 89			Page 91
sure you know what it is. 4 A Okay. 5 BY MR. MUISE: 6 Q Have you seen these emails prior to today, ma'am? 7 A Yes. 7 A Yes. 8 Q The very bottom email appears to be an email from Robert Hawkins to a Gende Huang, G-e-n-d-e, last and when you forwarded this up were "Godless"? A Yes. 8 Q And it was your understanding that the title of the ads when you forwarded this up were "Godless"? A Yes. 8 Q And it was your understanding that the title of the ads when you forwarded this up on January 12th of 2010; is that right? 9 A Yes. 10 Q And the mail you go are at a Yes. 11 Q It looks like you forwarded this up on January 12th of 2010; is that right? 12 A Yes. 13 A Yes. 14 Q And then you go are at a was your understanding that the title of the ads when you forwarded this up on January 12th of 2010; is that right? 15 A Cleay. Yes. 16 A Cleay. Yes. 17 Q And be mails you and cc's Elizabeth Dryden and Avery Gordon; is that right? 18 A Yes. 19 A Yes. 10 Q Have you ever had any conversations with Gende Huang? 21 A Yes. 22 Q And in that email he says that there's nothing about that advertisement that violates any provisions of the advertising guidelines; is that correct? A Yes. 9 Q And in that email he says that there's nothing about that advertisement we discussed atheist or DetroitCoR. org advertisement we discussed after the advertising guidelines; is that correct? A Yes. 9 Q In your understanding that this is related to the atheist or DetroitCoR. org advertisement we discussed of Reason organization? 10 Q Was this in the context of reviewing the atheist, and the proposed advertisement are simple information items or cross the line and make political statements. 10 Q Was this in the context of reviewing the atheist, and the proposed advertisement or specifical. 11 Detroit Coft, advertisement? 12 A Yes, as part of that process. 13 A Yes. 14 Probably went to the website. 15 MR. HILDEBRANDT: Asked and answered. 16 A Yes, as part of that process. 17 Q Was there anything on that advertisement th	1	A Yes.	1		advertisement, he's sending that up to you; is that
4 A Ckey BY MR. MUISE: 6 Q Have you seen these emails prior to today, ma'am? 7 A Yes. 8 Q The very bottom email appears to be an email from Robert Hawkins to a Gende Huang, G-e-n-d-e, last name, H-u-a-ng, do you see that? 10 A The very bottom email appears to be an email from Robert Hawkins to a Gende Huang, G-e-n-d-e, last name, H-u-a-ng, do you see that? 11 A Yes. 12 MR. HILDEBRANDT: From Hawkins to 12 Q Knots like you forwarded this up worre "Godless"? 13 Huang? 14 BY MR. MUISE: 15 Q Excuss me, from Huang to Hawkins. 16 A Okey, Yes. 17 Q And based on this email, it appears that Gende Huang? 18 is the national coordinator for United Coalition of Reason; is that fair to say? 19 A Yes. 10 A No. 10 A No. 11 Q Is it your understanding that this is related to the athelet or DetroitCoR.org advertisement we discussed previously? 19 A Yes. 10 Q Is it your understanding that this is related to the athelet or DetroitCoR.org advertisement we discussed previously? 10 Q Was this in the context of reviewing the atheist, Debric Cor. Adversiment? 11 Detroit CoR, adversimenn? 12 A Yes. 13 Q Was this in the context of reviewing the atheist, Debric CoR, adversimement? 14 A Yes. 15 Q Have you ever do any research on the United Coalition of A Yes. 16 Q Did you ever do any research on the United Coalition of A Yes. 17 A Yes. 18 Q And what did you do? 19 A I probably went to the website. 20 Q And what did you do? 31 A Pes. 32 Q Was this in the context of reviewing the atheist, Debric CoR, advertisement? 33 Q Was there anything on that advertisement that you seen the factors are. Imean, common sense plays a role, and taking a look at the, you determine that that advertisement that you determine whether an advertisement trosses the line and make political statements? 34 Yes. 35 Q Hord forwarding to you the request to run the, the request from the national coordinator for the United Coalition of MR. HILDEBRANDT: Asked and answered. 36 P Was R. Bulber And Section of MR. HILDEBRANDT: Skeded and answered. 37 P Was A Yes. 38 Q Hord for w	2	MR. GORDON: Take your time. Make	2		right?
5 BY MR. MUISE: 6 Q Have you seen these emails prior to today, ma'am? 7 A Yes. 8 Q The very bottom email appears to be an email from Robert Hawkins to a Gende Huang, G-en-d-e, last ads when you forwarded this up were "Godless"? 10 name, H-u-a-n-g, do you see that? 11 A Yes. 12 MR. HILDEBRANDT: From Hawkins to Huang? 13 MR. HILDEBRANDT: From Hawkins to Huang? 14 BY MR. MUISE: 15 Q Excuse me, from Huang to Hawkins. 16 A Okay, Yes. 17 Q And based on this email, it appears that Gende Huang? 18 is the national coordinator for United Coalition of Reason, is that fair to say? 19 A Yes. 20 A Yes. 21 Q Have you ever had any conversations with Gende Huang? 22 Huang? 23 A No. 24 Q Any communications with Gende Huang? 25 A No. 26 Q Is it your understanding that this is related to the atheist or DetroitCoR.org advertisement we discussed a proviously? 19 A Yes. 10 Did you ever do any research on the United Coalition of Reason organization? 10 Q Was this in the context of reviewing the atheist, Detroit CoR, advertisement? 18 Q Was this in the context of reviewing the atheist, Detroit CoR, advertisement? 19 A Yes. 10 Q Was this in the context of reviewing the atheist, Detroit CoR, advertisement? 10 Q Was this in the context of reviewing the atheist, MR. HILDEBRANDT: Asked and answered. 17 Q Was there anything on that advertisement that you saw, that you recall, that would have made you determine that that advertisement that you saw, that you recall, that would have made you determine whether and diventisement was political? 18 MR. HILDEBRANDT: Asked and answered. 19 G The next email up is an email from Robert Hawkins to you you great to the request tor un the, the request from the national coordinator for the United Coalition of MR. HILDEBRANDT: Asked and answered. 21 Q Was there anything in that advertisement that you saw, that you recall, that would have made you determine whether an advertisement with the you're aware of, that would selenents? 21 Q Was there anything in the advertisement. 22 A Yes. 23 Q Her's forwarding to	3	sure you know what it is.	3	Α	Yes.
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8 Q The very bottom email appears to be an email from Robert Hawkins to a Gende Huang, G-e-n-d-e, last name, H-u-a-n-g; do you see that? 11 A Yes. 12 MR. HILDEBRANDT: From Hawkins to 13 Huang? 13 Huang? 14 BY MR. MUSE: 16 A Okay. Yes. 17 Q And based on this email, it appears that Gende Huang is a tentational coordinator for United Coalition of Reason; is that fair to say? 20 A Yes. 21 Q Have you ever had any conversations with Gende Huang? 22 Q Have you ever had any conversations with Gende Huang? 23 A No. 24 Q Any communications with Gende Huang? 25 A No. 26 Page 90 17 Q Is it your understanding that this is related to the atheist or DetroitCoR.org advertisement we discussed previously? 28 A Yes. 29 Q And was the re anything on that advertisement that you saw, that you recall, that would have made you determine that that advertisement trosses the line and make political statements? 29 A Yes, a part of that process. 30 Q Was there anything on that advertisement. 41 A Yes, a part of that process. 42 A Yes, as part of that process. 43 A Yes, a part of that process. 44 C An functional that was your understanding that the title of the ads when you forwarded this up were "Godless?" 1 A Yes. 45 Correct. 46 A Yes. 47 C And based on this email, it appears, back from Anthony Chubb the next day, correct? 48 A Yes. 49 A Yes. 40 A And that email he says that there's nothing about the advertising guidelines; is that correct? 40 A In that email he says that there's nothing about the advertising guidelines; is that correct? 41 A Yes. 42 Q In the second paragraph, he says, "We do have to continue being very careful on this issue and in Page 92 43 A Yes. 44 C And then you get an email, it appears, back from Anthony Chubb the next day, correct? 44 C A Pes. 45 A Yes. 46 A No. 47 Can that email he says that there's nothing about that right? 48 A Yes. 49 A Yes. 40 A And that email he says that there's nothing about that advertisement that viatation that advertisement and that the title of the	6	Q Have you seen these emails prior to today, ma'am?	6		correct?
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14 BY MR. MUISE: 15 Q Excuse me, from Huang to Hawkins. 16 A Okay, Yes. 17 Q And based on this email, it appears that Gende Huang is the national coordinator for United Coalition of Is is the national coordinator for United Coalition of Is is the national coordinator for United Coalition of Is is the national coordinator for United Coalition of Is is the national coordinator for United Coalition of Is is the national coordinator for United Coalition of Is is the national coordinator for United Coalition of Is is the national coordinator for United Coalition of Is is the national coordinator for United Coalition of Is is it your understanding that this is related to the national coordinator it is not	12	MR. HILDEBRANDT: From Hawkins to	12		of 2010; is that right?
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Page 90 1 Q Is it your understanding that this is related to the atheist or DetroitCoR.org advertisement we discussed previously? 4 A Yes. 5 Q Did you ever do any research on the United Coalition of Reason organization? 6 Q Reason organization? 7 A Yes. 8 Q And what did you do? 8 Q And what did you do? 9 A I probably went to the website. 10 Q Was this in the context of reviewing the atheist, Detroit CoR, advertisement? 11 Detroit CoR, advertisement? 12 A Yes, as part of that process. 13 Q Was there anything on that advertisement that you saw, that you recall, that would have made you determine that that advertisement was political? 15 MR. HILDEBRANDT: Asked and answered. 16 We've already been through that advertisement. 17 We've already been through that advertisement. 18 A I forwarded it to legal for their recommendation. 19 BY MR. MUISE: 10 Q The next email up is an email from Robert Hawkins to you, correct? 20 Q He's forwarding to you the request to run the, the request from the national coordinator for the United Page A Pos. 10 Q He's forwarding to you the request to run the, the request from the national coordinator for the United Page A Pos. 10 Q He's forwarding to you the request to run the, the request from the national coordinator for the United Page A Pos. 10 Q He's forwarding to you the request to run the, the request from the national coordinator for the United Page A Pos. 10 Q He's forwarding to you the request to run the, the request from the national coordinator for the United Page A Pos. 10 Q He's forwarding to you the request to run the, the request from the national coordinator for the United Page A Pos. 10 Q He's forwarding to you the request to run the, the request from the national coordinator for the United Page A Pos. 10 Q He's forwarding to you the request to run the, the request from the national coordinator for the United Page A Pos. 10 Q He's forwarding to you the request to run the, the request from the national coordinator for the United Page A Pos. 10 Q		-		_	
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25 Coalition of Reason's request to run an 25	24	request from the national coordinator for the United	24	Α	No.
	25	Coalition of Reason's request to run an	25		

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	Page 101		Page 103
1	Q But in terms of a gentlemen's club being an	1	CERTIFICATE OF NOTARY
2	advertiser, is there anything in the guidelines that	2	STATE OF MICHIGAN)
3	would prohibit an advertisement of a gentlemen's	3) SS
4	club?	4	COUNTY OF LIVINGSTON)
5	A I don't know. I'd have to see the ad.	5	I, Carol Marie Hicks, Certified Shorthand Reporter,
6	Q I understand you'd have to see the ad, but just on	6	a Notary Public in and for the above county and state, do
7	the guidelines itself, is there anything that would	7	hereby certify that the above deposition was taken before
8	prohibit a gentlemen's club from advertising on	8	me at the time and place hereinbefore set forth; that the
9	SMART?	9	witness was by me first duly sworn to testify to the
10	A There's no list of prohibited, other than what's in	10	truth, and nothing but the truth, that the foregoing
	·	11	
11	the outline, in the ad.		questions and answers made by the witness were duly
12	Q Since you've been working at SMART, have you hear		recorded by me stenographically and reduced to computer
13	any SMART employee ever refer to any of my clients	13	transcription; that this is a true, full and correct
14	as being Islamophobes?	14	transcript of my stenographic notes so taken; and that I
15	A No.	15	am not related to, nor of counsel to either party nor
16	MR. HILDEBRANDT: Asked and answered.	16	interested in the event of this cause.
17	BY MR. MUISE:	17	
18	Q During any time that you've worked with SMART, hav		O. Some Silver
19	you heard any SMART employee ever refer to my	19	ask Morre ticks
20	clients' speech, or their speech activity, as	20	Carol Marie Hicks
21	Islamophobic or hate speech?	21	CSR 3345 Notary Public,
2.2	A No.	22	Livingston County, Michigan
23	Q As you sit here today, is it your understanding that	23	My Commission expires: September 4, 2016
24	my clients' leaving Islam ad would not be displayed	24	
25	under SMART's advertising guidelines if it was	25	
	Page 102		
1	resubmitted?		
2	A No, it would not be displayed.		
3	MR. MUISE: No further questions.		
4	MR. HILDEBRANDT: I don't have any		
5	questions.		
6	(The deposition concluded at 11:25 a.m.)		
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