

# **EXHIBIT 1**

to the Declaration of Shamus P. O'Meara



AN-OR  
MINNESOTA SECRETARY OF STATE



## CERTIFICATE OF ASSUMED NAME

### Minnesota Statutes Chapter 333

Read the directions on reverse side before completing.

Filing fee: \$25.00

The filing of an assumed name does not provide a user with exclusive rights to that name. The filing is required for consumer protection in order to enable consumers to be able to identify the true owner of a business.

**PLEASE TYPE OR PRINT LEGIBLY IN BLACK INK FOR MICROFILMING PURPOSES.**

1. State the exact assumed name under which the business is or will be conducted: (one business name per application)

American Civil Liberties Union of Minnesota

2. State the address of the principal place of business. A complete street address or rural route and rural route box number is required; the address cannot be a P.O.Box.

1821 University Avenue Suite N-392	St. Paul	MN	55104
Street	City	State	Zip

3. List the name and complete street address of all persons conducting business under the above Assumed Name or if the business is a corporation, provide the legal corporate name and registered office address of the corporation. Attach additional sheet(s) if necessary.

Name (please print)	Street	City	State	Zip
Minnesota Civil Liberties Union	1821 University Avenue Suite N-392	St. Paul	MN	55104

4. I certify that I am authorized to sign this certificate and I further certify that I understand that by signing this certificate, I am subject to the penalties of perjury as set forth in Minnesota Statutes section 609.48 as if I had signed this certificate under oath.

3/6/04  
Date

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
**FILED**

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MAR 19 2004

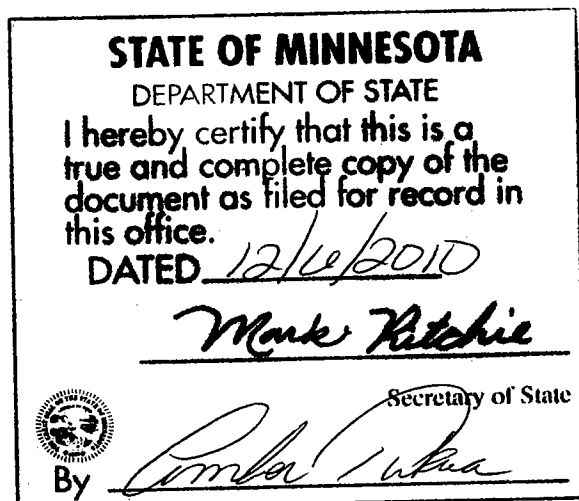
*Maury Haffner*  
Secretary of State

*LM*  
Signature (ONLY one person listed in #3 is required to sign.)

Lawrence J. Field, president  
Print Name and Title

Charles E. Samuelson  
Contact Person

(651) 645-4093  
Daytime Phone Number



## **EXHIBIT 2**

to the Declaration of Shamus P. O'Meara

G 829



**To All To Whom These Presents Shall Come, Greeting:**

**Whereas**, Articles of Incorporation, duly signed and acknowledged under oath, have been recorded in the office of the Secretary of State, on the --25th-- day of October, A. D. 1967 for the incorporation of

Minnesota Civil Liberties Union

under and in accordance with the provisions of the Minnesota Nonprofit Corporation Act, Minnesota Statutes, Chapter 317;

**Now, Therefore**, I, Joseph L. Donovan, Secretary of State of the State of Minnesota, by virtue of the powers and duties vested in me by law, do hereby certify that the said

Minnesota Civil Liberties Union

is a legally organized Corporation under the laws of this State.

Witness my official signature hereunto subscribed and the Great Seal of the State of Minnesota hereunto affixed this twenty-fifth day of October in the year of our Lord one thousand nine hundred and sixty-seven.

*Joseph L. Donovan*  
Secretary of State.

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ARTICLES OF INCORPORATION

OF

MINNESOTA CIVIL LIBERTIES UNION

We, the undersigned, acting as incorporators, for the purpose of forming a corporation under the Minnesota Nonprofit Corporation Act, adopt the following Articles of Incorporation for such corporation:

I.

The name of this Corporation is the Minnesota Civil Liberties Union, an affiliate of the American Civil Liberties Union, a New York corporation, hereinafter referred to as (Union).

II.

The purposes for which the Corporation is organized are:

To maintain and defend the rights of freedom of expression, freedom of religion, due process of law, equal protection of the laws, and other human and civil rights and liberties including those secured by law;

and to take all legitimate action in furtherance of such purposes.

The Corporation shall act in accordance with the policies of the Union, with the understanding that the purpose of this requirement is to obtain general unity rather than absolute uniformity.

No part of the net earnings of the Corporation shall inure to the benefit of any member, director, or officer of the Corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the Corporation affecting one or more of its purposes), and no member, director, or officer of the Corporation or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation.

III.

The Corporation shall not afford pecuniary gain, incidentally or otherwise to its members.

IV.

The Corporation is to have perpetual existence.

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V.

The address of the initial registered office of the Corporation in Minnesota is 925 Upper Midwest Building, Minneapolis, Minnesota.

VI.

The names and addresses of each incorporator are:

Name	Address
Dr. Matthew Stark	813 University Ave. SE Minneapolis, Minnesota 55414
Frank Adams	2555 Ulysses Avenue NE Minneapolis, Minnesota 55418
Rev. Richard Tice	2740 - 1st Avenue South Minneapolis, Minnesota 55408

VII.

1. The number of directors constituting the first Board of Directors of the Corporation shall be twenty-one (21), and the names and addresses of the persons who are to serve as the first directors until the first election of the directors of the Corporation are:

Dr. Matthew Stark 813 University Avenue S.E. Minneapolis, Minnesota 55414	Frank Adams 2555 Ulysses Avenue NE Minneapolis, Minnesota 55418
Daniel B. Magraw 2246 Edgecumbe Road St. Paul, Minnesota 55116	Rev. Richard Tice 2740 - 1st Avenue South Minneapolis, Minnesota 55408
Dr. Ayers Bagley 2835 James Avenue South Minneapolis, Minnesota 55408	Dr. Margaret Boddy Homer Road, Route 3 Winona, Minnesota 55987
Gary B. Crawford 2412 Russell Avenue South Minneapolis, Minnesota 55405	Bernard Casserly 4705 - 27th Avenue South Minneapolis, Minnesota 55406
Frank S. Farrell 56 N. Mississippi Blvd. St. Paul, Minnesota 55104	Newton S. Friedman 417 Torrey Building Duluth, Minnesota 55802
Louis I. Gelfand 3715 West 22nd Street Minneapolis, Minnesota 55416	John R. Goetz 860 Northwestern Bank Bldg. Minneapolis, Minnesota 55402

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Albert H. Heller, Jr.  
260 So. Mississippi River Blvd.  
St. Paul, Minnesota 55105

Howard Kaibel  
1825 - 5th Street South  
Minneapolis, Minnesota 55404

Rev. Robert S. Lehman  
1405 Boyce Road  
Hopkins, Minnesota 55343

Dr. Paul L. Murphy  
2286 Doswell Avenue  
St. Paul, Minnesota 55108

Glenn L. Speidel  
5325 Irving Avenue South  
Minneapolis, Minnesota 55419

Dr. Mary Roward  
1324 - 8th Street S.E.  
Minneapolis, Minnesota 55414

Sheldon D. Karlins  
4515 Douglas Avenue South  
Minneapolis, Minnesota 55416

Dr. Fred Lyon  
3744 Huntington Avenue South  
Minneapolis, Minnesota 55416

Dr. Mercedes Nelson  
4104 Colfax Avenue South  
Minneapolis, Minnesota 55408

2. The number of directors of the Corporation shall be not fewer than twenty-one (21) nor more than seventy-five (75). The members of the Corporation may establish and put into effect from time to time Bylaws establishing the number of directors, the manner of admission and termination of director status, and fixing the powers, privileges, obligations and duties of directors.

#### VIII.

Neither the members, the directors, nor the officers of the Corporation shall be personally liable for any obligation of the Corporation of any nature whatsoever, nor shall any of the property of any member, director or officer of the Corporation be subject to the payment of the obligations of the Corporation to any extent whatsoever.

#### IX.

The Corporation shall have no capital stock.

#### X.

1. There shall be only one class of members, designated Voting Members. The members of this Corporation shall have all the voting powers and shall elect the directors who shall manage all corporate affairs.

2. In furtherance and not in limitation of the powers conferred by law, the Board of Directors is expressly authorized:



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(a) To borrow money in the name of the Corporation and to authorize and cause to be executed mortgages and liens, without limit as to the amount, upon real and personal property of the Corporation.

(b) To appoint or hire agents or employees of the Corporation on such terms as the Board of Directors may determine, including payment of reasonable compensation for services actually rendered and expenses actually incurred in the performance of such services, and to enter into contractual relationships with agents or employees.

(c) To cause the Corporation to take, receive, invest, reinvest and hold real and personal property, including the principal proceeds and interest of any money or other fund, that is given, conveyed, bequeathed, devised to or otherwise invested in, the Corporation in trust for a purpose consistent with the purposes set forth in these Articles.

(d) To cause the Corporation to sell, lease or exchange all or substantially all of its property upon such terms and conditions and for such consideration as its Board of Directors deems expedient and for the purposes and best interests of the Corporation; provided that property held in trust for designated purpose, or subject to a specific use, or subject to a condition subsequent, or upon a special or executory limitation, shall not be diverted from such trust, use, condition or limitation, subject to the law of charitable trusts provided in Minnesota Statutes 1959, Section 501.12.

(e) In general, to cause the Corporation to exercise such other powers which now or hereafter may be conferred by the Minnesota Nonprofit Corporation Act or by law upon a Corporation organized for the purposes hereinabove set forth, or necessary or incidental to the powers so conferred, or conducive to the attainment of the purposes of the Corporation, subject to such limitations as are or may be prescribed by law.

#### XI.

Should the Corporation cease to do business and be dissolved, all property and funds remaining after the payment of the debts of the Corporation shall be distributed to the American Civil Liberties Union, a New York Corporation, New York, New York, but if the said Union not be in existence or for any reason be unable to take said property and funds, then to be distributed to a Corporation of the type heretofore in Article II mentioned.

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## XII.

These Articles of Incorporation may be amended in the manner provided by statute.

IN WITNESS WHEREOF, we have executed these Articles of Incorporation, this 2nd day of October, 1967.

In the Presence of:

Harry B. Crawford  
Notary Public

Dr. Matthew Stark  
Dr. Matthew Stark

Frank Adams  
Frank Adams

Rev. Richard Tice  
Rev. Richard Tice

STATE OF MINNESOTA )  
                                  ) ss.  
COUNTY OF HENNEPIN )

On this 2nd day of October, 1967, before me, a Notary Public within and for said County, personally appeared DR. MATTHEW STARK, FRANK ADAMS and REV. RICHARD TICE, to me known to be the persons named in and who executed the foregoing Articles of Incorporation and they acknowledged that they executed the same as their free act and deed for the uses and purposes therein expressed.

Harry B. Crawford  
Notary Public

JOHN B. CRAWFORD  
Notary Public, Hennepin County, Minn.  
My Commission Expires Dec. 14, 1968

STATE OF MINNESOTA  
DEPARTMENT OF STATE

I hereby certify that the within instrument was filed for record in this office on the 2nd day of Oct, A. D. 1967 at 9 o'clock A. M. and was duly recorded in Book F-20 of Incorporations, on page 432.

Joseph A. Skovran  
Secretary of State

APPROD & FILED  
INDEXED 17  
NO. FILED 17  
DIX. CHECKED 17

State of Minnesota  
Office of the Secretary of State

2432

Notice of Change of  
Registered Office—Registered Agent or Both  
by

Name of Corporation  
*Minnesota Civil Liberties Union*

Pursuant to Minnesota Statutes, Section 302A.123, 404.10, 317.19, 317A.123 or 308A.025 the undersigned hereby certifies that the Board of Directors of the above named Corporation has resolved to change the corporation's registered office and/or agent to:

Agent's Name	If you do not wish to designate an agent, you must list "NONE" in this box. DO NOT LIST THE CORPORATE NAME <i>Robert J. Bruno</i>		
Address (No. & Street)	(You may not list a P.O. Box, but you may list a rural route and box number) <i>1021 West Broadway Avenue</i>		
City	County	Zip	
<i>Minneapolis</i>	<i>Hennepin</i>	<i>MN 55411</i>	
Mailing Address	(If different than address above—P.O. Box is acceptable)		
City	County	Zip	
		<i>MN</i>	

The new address may not be a post office box. It must be a street address, pursuant to Minnesota Statutes, Section 302A.011, Subd. 3., 303.02, Subd. 5., 317.02 Subd. 13., 317A.01 Subd. 2.

This change is effective on the day it is filed with the Secretary of State, unless you indicate another date, no later than 30 days after filing with the Secretary of State, in this box.

I certify that I am authorized to execute this certificate and I further certify that I understand that by signing this certificate I am subject to the penalties of perjury as set forth in section 609.49 as if I had signed this certificate under oath.

Name of Officer or Other Authorized Agent of Corporation (Please Print) <i>William Roeth</i>	Signature <i>William Roeth</i>
Title or Office <i>Executive Director</i>	Date <i>12-17-90</i>

Do not write below this line. For Secretary of State's use only.

Receipt Number <b>530737</b>	File Date N.P.A.R.
Filing Fee: \$35.00	STATE OF MINNESOTA DEPARTMENT OF STATE FILED JAN 9 1991 <i>James Andrew Shaver</i> Secretary of State
Return to: Business Services Division Office of the Secretary of State 180 State Office Building St. Paul, MN 55155 (612) 296-2803	
Make checks payable to: Secretary of State	
TO FILE THE REGISTRATION FOR THE 1990 CALENDAR YEAR YOU MUST ALSO COMPLETE THE REVERSE SIDE OF THIS FORM.	

MN. OSS PUB. INFO.

Fax: 612-297-7067

Dec 16 '98 10:56 P.01

## MINNESOTA SECRETARY OF STATE



# NOTICE OF CHANGE OF REGISTERED OFFICE/ G-829

## REGISTERED AGENT

Please read the instructions on the back before completing this form

## 1. Entity Name:

Minnesota Civil Liberties Union

## 2. Registered Office Address (No. &amp; Street): List a complete street address or rural route and rural route box number. Office box is not acceptable.

1821 University Ave. West, Suite N-392, St. Paul, MN 55104  
 Street City State Zi

## 3. Registered Agent (Registered agents are required for foreign entities but optional for Minnesota entities):

NONE

If you do not wish to designate an agent, you must list "NONE" in this box. DO NOT LIST THE ENTITY NAME

In compliance with Minnesota Statutes, Section 302A.123, 303.10, 308A.025, 317A.123 or 322B.135 I certify that company has resolved to change the entity's registered office and/or agent as listed above.

I certify that I am authorized to execute this notice and I further certify that I understand that by signing this notice the penalties of perjury as set forth in Minnesota Statutes Section 609.40 as if I had signed this notice under oath.

Michael D. Grotz  
 Signature of Authorized Person

Name and Telephone Number of a Contact Person: Charles Samuelson ( 651 ) 645-4097  
 please print legibly

Filing Fee: Minnesota Corporations, Cooperatives and Limited Liability Companies: \$35.00.

Non-Minnesota Corporations: \$50.00.

Make checks payable to Secretary of State

Return to: Minnesota Secretary of State  
 180 State Office Bldg.  
 100 Constitution Ave.  
 St. Paul, MN 55155-1299  
 (651)296-2803

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STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

JUN 20 2001

Mary Kiffmeyer  
 Secretary of State

State of Minnesota

# SECRETARY OF STATE

2006000289

File Number: G-829

Date: 01/26/2006

Minnesota Civil Liberties Union

1821 University Ave W #N-392  
St Paul MN 55104

## CERTIFICATE OF INVOLUNTARY DISSOLUTION

The Minnesota corporation listed above has failed to file the annual registration required by Minnesota Statute Section 317A.823. The corporation was notified by a postcard mailed to the registered office address prior to dissolution that the dissolution would occur if the annual registration was not filed by December 31 of that calendar year. No registration has been filed, therefore the corporation is dissolved pursuant to Minnesota Statute Section 317A.823, subdivision 2.

The corporation ceased to exist as of the date listed on this certificate shown above.



*Mary Kiffmeyer*  
Secretary of State.

**STATE OF MINNESOTA**

DEPARTMENT OF STATE

I hereby certify that this is a  
true and complete copy of the  
document as filed for record in  
this office.

DATED 12/10/10

Mark Ritchie

Secretary of State



By

Salvatore

## **EXHIBIT 3**

to the Declaration of Shamus P. O'Meara

**Charles Samuelson 30(b)(6) TiZA, Volume II, 4/28/2010****Page: 1**

<p style="text-align: right;">Page 270</p> <p>1 UNITED STATES DISTRICT COURT 2 DISTRICT OF MINNESOTA 3 4 5 Court File No. 09-cv-00138 6 7 AMERICAN CIVIL LIBERTIES UNION OF 8 MINNESOTA, 9 Plaintiff, 10 vs. 11 TAREK IBN ZIYAD ACADEMY, et al., 12 Defendants. 13 14 15 16 TiZA's 30(b)(6) DEPOSITION OF 17 CHARLES SAMUELSON, VOLUME 2 18 Pages 270 - 461 19 Taken on Wednesday, April 28, 2010 20 Scheduled for 9:00 a.m. 21 22 23 24 REPORTED BY: Dana S. Anderson-Linnell 25 www.paradigmreporting.com</p>	<p style="text-align: right;">Page 272</p> <p>1 APPEARANCES (continued): 2 3 On Behalf of Plaintiff American Civil Liberties 4 Union of Minnesota: 5 Katie Pfeifer, Esquire 6 DORSEY &amp; WHITNEY 7 50 South Sixth Street, Suite 1500 8 Minneapolis, MN 55402 9 Phone: 612.340.2600 10 Email: pfeifer.katie@dorsey.com 11 12 13 On Behalf of Defendant Islamic Relief USA: 14 Timothy R. Obitts, Esquire 15 GAMMON &amp; GRANGE, P.C. 16 Seventh Floor 17 8280 Greensboro Drive 18 McLean, VA 22102 19 Phone: 703.761.5000 20 Email: tro@gg-law.com 21 22 (Appearances continued on the next page.) 23 24 25</p>
<p style="text-align: right;">Page 271</p> <p>1 TiZA's 30(b)(6) DEPOSITION OF CHARLES SAMUELSON, 2 VOLUME 2, taken on Wednesday, April 28th, 2010, 3 commencing at 9:05 a.m. at the offices of Johnson 4 and Condon, 7401 Metro Boulevard, Suite 600, 5 Minneapolis, Minnesota before 6 Dana S. Anderson-Linnell, a Notary Public in and of 7 the State of Minnesota. 8 ***** 9 10 APPEARANCES 11 12 On Behalf of Defendants Tarek Ibn Ziyad Academy, 13 Asad Zaman, Asif Rahman, Mahrous Kandil, Mona 14 Elnahrawy, Moira Fahey and Mohamed Farid: 15 Mark R. Azman, Esquire 16 Shamus P. O'Meara, Esquire (partial day) 17 JOHNSON &amp; CONDON 18 7401 Metro Boulevard, Suite 600 19 Minneapolis, MN 55439-3034 20 Phone: 952.831.6544 21 Email: mra@johnson-condon.com 22 spo@johnson-condon.com 23 24 (Appearances continued on the next page.) 25</p>	<p style="text-align: right;">Page 273</p> <p>1 APPEARANCES (continued): 2 3 On Behalf of Defendant Islamic Relief USA: 4 Sarah E. Bushnell, Esquire 5 KELLY &amp; BERENS, P.A. 6 3720 IDS Center 7 Minneapolis, MN 55402 8 Phone: 612.349.6171 9 Email: sbushnell@kellyandberens.com 10 11 12 On Behalf of Defendant Commissioner of Education: 13 Tamar Gronvall, Esquire 14 MINNESOTA ATTORNEY GENERAL'S OFFICE 15 445 Minnesota Street, Suite 900 16 St. Paul, MN 55101 17 Phone: 651.297.5934 18 Email: tamar.gronvall@state.mn.us 19 20 21 ALSO PRESENT: Magdy Rabea (partial day) 22 23 24 25</p>



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<p>1 Q. So besides articles of incorporation, 2 you have nothing else? 3 MS. PFEIFER: Objection, misstates 4 the testimony. 5 THE WITNESS: There is thousands of 6 pages of documents which we have turned over to 7 you. I don't know intimately what's in all 8 thousands of pages of documents. I know the 9 highlights, but that's all. 10 BY MR. AZMAN: 11 Q. What are those highlights? 12 <b>A. I've told you. The articles of</b> 13 <b>incorporation of the various organizations.</b> 14 Q. But you don't know what specific 15 documents you are relying on besides the 16 articles of incorporation? 17 <b>A. No, I don't.</b> 18 Q. Would that be true with respect to all 19 the individuals that the ACLU sued, you don't 20 know what specific documents you are relying on 21 to sue them individually? 22 <b>A. Beyond the articles of incorporation and</b> 23 <b>the documents that I've named, I can't</b> 24 <b>recollect any others.</b> 25 Q. The documents that you've named include</p>	<p>1 Q. Who did? 2 <b>A. Our investigation -- it was downloaded</b> 3 <b>as part of our investigation.</b> 4 Q. Who did it? Who actually physically 5 downloaded the information? 6 <b>A. I am unaware of exactly who physically</b> 7 <b>downloaded the documentation.</b> 8 Q. Who would have -- who typically would do 9 that kind of work as part of your 10 investigation? 11 <b>A. Our legal counsel is in charge of that.</b> 12 <b>So I am assuming she would. I don't know that</b> 13 <b>for certain, whether she actually physically</b> 14 <b>did it.</b> 15 Q. Income tax statements. What else? 16 <b>A. The articles of incorporation from the</b> 17 <b>various corporations, which we got from, I</b> 18 <b>believe, Dakota County. We got the income tax</b> 19 <b>statements, we got submissions from TiZA to the</b> 20 <b>Department of Education. We got -- I don't</b> 21 <b>know how much else.</b> 22 Q. Okay. Is your reliance as to the 23 individual claims of Mona Elnahrawy the same as 24 the others we've talked about? 25 <b>A. Yes.</b></p>
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<p>1 documents from the Department of Education, 2 correct? 3 <b>A. For some of them yes, it does.</b> 4 Q. But you don't know what specific 5 documents from the Department of Education you 6 are relying on, correct? 7 <b>A. Correct.</b> 8 Q. Are there documents from other sources 9 that you are relying on besides the Department 10 of Ed and the articles of incorporation? 11 <b>A. I'm certain there are. I cannot</b> 12 <b>recollect any, income tax statements things of</b> 13 <b>that nature.</b> 14 Q. Have you seen income tax statements? 15 <b>A. Yes.</b> 16 Q. How did you obtain these income tax 17 statements? 18 <b>A. All 501(c)(3)s are required to file</b> 19 <b>their income tax statements with the government</b> 20 <b>and it's public record. You've got copies of</b> 21 <b>them, of course. And there is a website that</b> 22 <b>you can go download from.</b> 23 Q. Did you personally download that 24 information? 25 <b>A. No, I did not.</b></p>	<p>1 Q. And Moria Fahey? 2 <b>A. Yes.</b> 3 Q. Mohamed Farid? 4 <b>A. Yes.</b> 5 Q. Are there any documents beyond what 6 you've disclosed -- beyond what you claim 7 you've disclosed in this litigation that the 8 ACLU is relying on -- 9 <b>A. No.</b> 10 Q. -- for the individual claims? 11 <b>A. No.</b> 12 Q. Do you have any -- strike that. 13 You don't have any specific instances of 14 conduct as to Mona Elnahrawy, is that correct, 15 that support your claims? 16 <b>A. No, I do not.</b> 17 Q. You don't have any specific instances of 18 conduct with respect to Moria Fahey that 19 support your claims? 20 <b>A. No, I do not.</b> 21 Q. And you don't have any specific 22 instances of conduct that Mohamed Farid 23 promoted religion, do you? 24 <b>A. No, I do not.</b> 25 Q. Those questions are being directed to</p>

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<p>1 you in your capacity as a representative of the</p> <p>2 ACLU.</p> <p>3 Do you understand that?</p> <p>4 <b>A. Yes, I do.</b></p> <p>5 Q. And with that clarification your answers</p> <p>6 do not change?</p> <p>7 <b>A. My answers do not change, no.</b></p> <p>8 Q. You may recall that we reviewed a letter</p> <p>9 we've marked as Deposition Exhibit Number 34.</p> <p>10 In the first sentence it indicates the ACLU of</p> <p>11 Minnesota has received complaints.</p> <p>12 Do you see that?</p> <p>13 <b>A. (Reviews document.) Yes.</b></p> <p>14 Q. Were you one of the complainants?</p> <p>15 <b>A. No, I was not.</b></p> <p>16 Q. Were you personally a person that</p> <p>17 complained to the Minnesota Department of</p> <p>18 Education about TiZA and religious activities?</p> <p>19 <b>A. I don't know whether I sent a letter to</b></p> <p>20 <b>the Minnesota Department of Education or not.</b></p> <p>21 <b>I don't recollect.</b></p> <p>22 Q. What about the ACLU? Was the ACLU a</p> <p>23 complainant to the Department of Education</p> <p>24 about TiZA and religion?</p> <p>25 <b>A. We are now, yes.</b></p>	<p>1 correct?</p> <p>2 <b>A. Yes, I am.</b></p> <p>3 Q. What more should the Department have</p> <p>4 done to investigate TiZA other than what they</p> <p>5 did in that report?</p> <p>6 <b>A. In my opinion, the Department of</b></p> <p>7 <b>Education failed to uncover the financial</b></p> <p>8 <b>entanglements between MAS-Minnesota and TiZA.</b></p> <p>9 Q. What are those financial entanglements?</p> <p>10 <b>A. MAS-Minnesota is the owner of the</b></p> <p>11 <b>building co-located with the school. Rent is</b></p> <p>12 <b>paid to a subsidiary company of MAS-Minnesota</b></p> <p>13 <b>who then gives -- donates 100 percent of the</b></p> <p>14 <b>money that they receive in rent, lease aid</b></p> <p>15 <b>payments to MAS-Minnesota.</b></p> <p>16 Q. What else did the Department fail to do</p> <p>17 that should have been done?</p> <p>18 <b>A. I'm not sure what else except that I</b></p> <p>19 <b>think in my personal opinion that they needed</b></p> <p>20 <b>to do more follow-up on the programmatic</b></p> <p>21 <b>entanglements than was done.</b></p> <p>22 Q. Is that only your thought or the ACLU's</p> <p>23 thought?</p> <p>24 <b>A. That is the ACLU's thought as well.</b></p> <p>25 Q. What do you mean by programmatic</p>
Page 287	Page 289
<p>1 Q. I mean before this lawsuit commenced?</p> <p>2 <b>A. No.</b></p> <p>3 Q. Did the ACLU interview Amanda Getz?</p> <p>4 <b>A. I don't know. I didn't that I recollect</b></p> <p>5 <b>interview an Amanda Getz.</b></p> <p>6 Q. Do you know who Amanda Getz is?</p> <p>7 <b>A. No, I do not.</b></p> <p>8 Q. Have you ever heard that name?</p> <p>9 <b>A. Not that I can recollect.</b></p> <p>10 Q. Do you know if the ACLU's investigation</p> <p>11 included an interview of Amanda Getz?</p> <p>12 <b>A. It may have. I'm unaware of it, though.</b></p> <p>13 Q. Who would know that information at the</p> <p>14 ACLU?</p> <p>15 <b>A. Our legal counsel would know.</b></p> <p>16 MR. AZMAN: Do you have Exhibit 39?</p> <p>17 BY MR. AZMAN:</p> <p>18 Q. Mr. Samuelson, we talked a little bit</p> <p>19 about Exhibit 39 in the past. Do you recall</p> <p>20 this document?</p> <p>21 <b>A. (Reviews document.) Yes, I do.</b></p> <p>22 Q. Are you familiar with the</p> <p>23 Department's -- strike that.</p> <p>24 You are familiar with the Department's</p> <p>25 investigation based on Exhibit 39, is that</p>	<p>1 follow-up?</p> <p>2 <b>A. The structure of the day and the school</b></p> <p>3 <b>prayers, which they had identified earlier, was</b></p> <p>4 <b>ostensibly remedied. To our knowledge, there</b></p> <p>5 <b>were no drop-in inspections that I would have</b></p> <p>6 <b>expected to have been conducted. And the</b></p> <p>7 <b>allegations that we have made in our complaint</b></p> <p>8 <b>I do not believe were followed up appropriately</b></p> <p>9 <b>by the State of Minnesota.</b></p> <p>10 MR. AZMAN: Can we go off the</p> <p>11 record.</p> <p>12 (Off the record.)</p> <p>13 BY MR. AZMAN:</p> <p>14 Q. Mr. Samuelson, this is -- this has been</p> <p>15 marked as Exhibit B-61. It's an email</p> <p>16 involving a person called Morgan Brown who was</p> <p>17 a former Minnesota Department of Education</p> <p>18 official. Are you familiar with Mr. Brown?</p> <p>19 <b>A. I've not met him, but I'm familiar with</b></p> <p>20 <b>his name.</b></p> <p>21 Q. Have you spoken to him?</p> <p>22 <b>A. No, I have not.</b></p> <p>23 Q. Could you take a look at Exhibit</p> <p>24 Number 61 for me?</p> <p>25 <b>A. (Reviews document.)</b></p>

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<p>1 Q. You don't know?</p> <p>2 <b>A. I do not know.</b></p> <p>3 Q. If the law doesn't require it, then TiZA</p> <p>4 wouldn't have to submit that information to</p> <p>5 anyone, would they?</p> <p>6 <b>A. No.</b></p> <p>7 Q. As of January 2009, same question, you</p> <p>8 didn't have any evidence that TiZA's lease</p> <p>9 rates were unreasonable?</p> <p>10 <b>A. No.</b></p> <p>11 Q. The allegations of subparagraph D don't</p> <p>12 have a relationship to an Establishment Clause</p> <p>13 issue, correct, these are leasing issues?</p> <p>14 <b>A. They are leasing issues relating to</b></p> <p>15 <b>leasing space from a sectarian organization.</b></p> <p>16 Q. But it doesn't say that, correct?</p> <p>17 <b>A. What doesn't say that?</b></p> <p>18 Q. Paragraph D.</p> <p>19 <b>A. "...permits charter schools to lease</b></p> <p>20 <b>space from a sectarian organization only if the</b></p> <p>21 <b>Department approves the lease in consultation</b></p> <p>22 <b>with the Department of Administration..." which</b></p> <p>23 <b>we allege didn't happen.</b></p> <p>24 Q. All right.</p> <p>25 <b>A. And if they weren't renting -- well,</b></p>	<p>1 Q. If I look at subparagraph B, that</p> <p>2 allegation seeks a refund to the State of</p> <p>3 Minnesota for certain student aid received by</p> <p>4 TiZA, correct?</p> <p>5 <b>A. From the pro rata portion, yes.</b></p> <p>6 Q. The pro rata portion of student aid TiZA</p> <p>7 has received for its students?</p> <p>8 <b>A. Correct.</b></p> <p>9 Q. Do you have any idea how much money that</p> <p>10 is?</p> <p>11 <b>A. No, we do not at this point.</b></p> <p>12 Q. Is the ACLU seeking a refund from TiZA</p> <p>13 Academy, the academy itself?</p> <p>14 <b>A. From the school?</b></p> <p>15 Q. From the school.</p> <p>16 <b>A. Yes. That's who should pay the refund</b></p> <p>17 <b>if the Court determines there is one. And the</b></p> <p>18 <b>Court will determine what the pro rata share of</b></p> <p>19 <b>it would be.</b></p> <p>20 Q. Is the ACLU seeking that refund --</p> <p>21 strike that.</p> <p>22 By using the language "refund," is it</p> <p>23 the ACLU's position that it's seeking money</p> <p>24 only from the entity that received student aid?</p> <p>25 <b>A. From the school.</b></p>
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<p>1 <b>they are renting, we allege, from a sectarian</b></p> <p>2 <b>organization. So it does relate to a</b></p> <p>3 <b>church/state entanglement.</b></p> <p>4 Q. TiZA's lease rates -- the reasonableness</p> <p>5 of TiZA's lease rates doesn't seem to be</p> <p>6 related to a sectarian issue as this -- in this</p> <p>7 allegation, does it?</p> <p>8 <b>A. It is my belief that it does as it</b></p> <p>9 <b>indicates a financial transaction between TiZA</b></p> <p>10 <b>and a sectarian organization.</b></p> <p>11 Q. Did the ACLU review the sponsorship</p> <p>12 contract between TiZA and Islamic Relief before</p> <p>13 commencing suit in January of 2009?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. Where did ACLU obtain that contract?</p> <p>16 <b>A. I believe we got it from the Department</b></p> <p>17 <b>of Education.</b></p> <p>18 Q. Could you turn to page 21?</p> <p>19 <b>A. (Complies.)</b></p> <p>20 Q. Take a look at page 21 if you would and</p> <p>21 let me know when you are finished up.</p> <p>22 <b>A. (Reviews document.)</b></p> <p>23 Q. Is it the ACLU's intent in this lawsuit</p> <p>24 to close TiZA down?</p> <p>25 <b>A. No.</b></p>	<p>1 Q. Is it the ACLU's that only TiZA received</p> <p>2 the student aid?</p> <p>3 <b>A. TiZA received the student aid.</b></p> <p>4 Q. The school?</p> <p>5 <b>A. The school itself received the student</b></p> <p>6 <b>aid.</b></p> <p>7 Q. Is it the ACLU's position that</p> <p>8 Asad Zaman received any student aid?</p> <p>9 <b>A. Not directly, no.</b></p> <p>10 Q. Is the ACLU seeking a refund from</p> <p>11 Mr. Zaman individually?</p> <p>12 <b>A. We are seeking it from the school.</b></p> <p>13 Q. Would that be the same as to all the</p> <p>14 individual defendants?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. So you are not seeking a refund from</p> <p>17 Asad Zaman, correct?</p> <p>18 <b>A. Correct.</b></p> <p>19 Q. Or Asif Rahman?</p> <p>20 <b>A. Correct.</b></p> <p>21 Q. Or Mahrous Kandil?</p> <p>22 <b>A. Correct.</b></p> <p>23 Q. Or Mona Elnahrawy?</p> <p>24 <b>A. Correct.</b></p> <p>25 Q. Or Moria Fahey?</p>

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<p>1 <b>A. Correct.</b></p> <p>2 Q. Or Mohamed Farid?</p> <p>3 <b>A. Correct.</b></p> <p>4 Q. You're only seeking a refund from TiZA</p> <p>5 the school?</p> <p>6 <b>A. Correct.</b></p> <p>7 Q. And is that because only TiZA the school</p> <p>8 received the student aid?</p> <p>9 <b>A. Correct.</b></p> <p>10 Q. Is it the ACLU's position that the</p> <p>11 sponsorship contract with -- strike that.</p> <p>12 Is it the ACLU's position that a charter</p> <p>13 school needs a sponsor in order to exist?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. And in this case TiZA's sponsor is</p> <p>16 Islamic Relief?</p> <p>17 <b>A. Correct.</b></p> <p>18 Q. Is it the ACLU's position that having</p> <p>19 Islamic Relief as a sponsor is inconsistent</p> <p>20 with the charter school law?</p> <p>21 <b>A. Not at the time these sponsorships were</b></p> <p>22 <b>entered into.</b></p> <p>23 Q. What about as of January of 2009?</p> <p>24 <b>A. No, as long as -- it is our contention</b></p> <p>25 <b>that Islamic Relief is a legitimate sponsor</b></p>	<p>1 sponsor?</p> <p>2 MS. PFEIFER: Objection, calls for a</p> <p>3 legal conclusion.</p> <p>4 THE WITNESS: I believe that they</p> <p>5 would require another sponsor.</p> <p>6 BY MR. AZMAN:</p> <p>7 Q. But if that agreement was invalidated,</p> <p>8 they would not have a sponsor at the time of</p> <p>9 invalidation, correct?</p> <p>10 <b>A. Not necessarily.</b></p> <p>11 Q. Are you aware of any other sponsors?</p> <p>12 <b>A. No.</b></p> <p>13 Q. If there were no other sponsors, then</p> <p>14 TiZA wouldn't be able to continue as a charter</p> <p>15 school, correct?</p> <p>16 <b>A. If there were no other sponsors,</b></p> <p>17 <b>correct.</b></p> <p>18 Q. So if you prevailed in this lawsuit and</p> <p>19 there was an invalidation of the sponsorship</p> <p>20 contract and there were no other sponsors, you</p> <p>21 would essentially shut TiZA down?</p> <p>22 <b>A. If and if, yes.</b></p> <p>23 Q. Have you investigated whether there is</p> <p>24 other sponsors?</p> <p>25 <b>A. No.</b></p>
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<p>1 <b>currently but that they would not be able to</b></p> <p>2 <b>renew their sponsorship, our understanding,</b></p> <p>3 <b>because of changes in the state law regarding</b></p> <p>4 <b>charter schools.</b></p> <p>5 Q. What changes were made?</p> <p>6 <b>A. Actions taken by the legislature in</b></p> <p>7 <b>2008, I believe, relating to sponsorships.</b></p> <p>8 Q. Do you know what changes were made?</p> <p>9 <b>A. My belief is that the change -- the</b></p> <p>10 <b>major change that would impact here is that the</b></p> <p>11 <b>sponsors had to be Minnesota corporations.</b></p> <p>12 Q. At subparagraph iii, Roman numeral</p> <p>13 three, lower case, ACLU alleges that the</p> <p>14 agreement between Islamic Relief and TiZA is</p> <p>15 null and void as a violation of the</p> <p>16 Establishment Clause.</p> <p>17 What is the factual basis for that</p> <p>18 allegation -- that demand rather?</p> <p>19 <b>A. That TiZA is in violation of the</b></p> <p>20 <b>Establishment Clause and that their violation</b></p> <p>21 <b>of the Establishment Clause renders the</b></p> <p>22 <b>agreement between Islamic Relief and TiZA null</b></p> <p>23 <b>and void.</b></p> <p>24 Q. If that agreement is invalidated, then</p> <p>25 wouldn't TiZA cease to exist as not having a</p>	<p>1 Q. You don't know?</p> <p>2 <b>A. No, we do not know.</b></p> <p>3 Q. So really the intent is to shut TiZA</p> <p>4 down?</p> <p>5 MS. PFEIFER: Objection, asked and</p> <p>6 answered, argumentative.</p> <p>7 THE WITNESS: No.</p> <p>8 BY MR. AZMAN:</p> <p>9 Q. Has ACLU paid any witnesses for their</p> <p>10 testimony?</p> <p>11 <b>A. No.</b></p> <p>12 Q. ACLU has not paid Janeha Edwards for her</p> <p>13 testimony?</p> <p>14 <b>A. No.</b></p> <p>15 Q. What about Khalid Elmasry?</p> <p>16 <b>A. No.</b></p> <p>17 Q. Between today and the last session of</p> <p>18 your deposition did you speak with anyone other</p> <p>19 than your lawyers regarding this case?</p> <p>20 <b>A. No.</b></p> <p>21 Q. Did you look at any documents?</p> <p>22 <b>A. I looked at the same documents that -- I</b></p> <p>23 <b>looked at the complaint and I looked at other</b></p> <p>24 <b>documents, the interrogatories to review them.</b></p> <p>25 MS. PFEIFER: Now that we have had</p>

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<p>1 than the religious instruction.</p> <p>2 Q. The after school?</p> <p>3 <b>A. But that's -- that's a matter of debate.</b></p> <p>4 <b>We claim not after school, because the school</b></p> <p>5 <b>buses don't leave until after religious</b></p> <p>6 <b>instruction. So we claim it's part of the</b></p> <p>7 <b>curriculum.</b></p> <p>8 Q. Is that the Islamic studies class? Is</p> <p>9 that what it's called as you understand it?</p> <p>10 <b>A. (No response.)</b></p> <p>11 Q. If you don't know, that's fine.</p> <p>12 <b>A. I don't know.</b></p> <p>13 Q. Do you know if MAS-MN sponsors it?</p> <p>14 <b>A. I'm not -- I believe so, but I'm not</b></p> <p>15 <b>sure.</b></p> <p>16 Q. Do you believe that the student-led</p> <p>17 Friday prayer is part of the curriculum?</p> <p>18 <b>A. Yes, we do.</b></p> <p>19 Q. You believe that schools have an</p> <p>20 obligation for religious accommodation</p> <p>21 including prayer?</p> <p>22 <b>A. Yes, we do.</b></p> <p>23 Q. Go down a couple of lines please where</p> <p>24 it begins "...versions of the TiZA logo have</p> <p>25 featured a minaret and dome that resembles the</p>	<p>1 <b>Jewish temple.</b></p> <p>2 Q. You've seen pictures of it?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. I'm sorry. Did you say you did see the</p> <p>5 TiZA logo, the one that you are referring to?</p> <p>6 <b>A. No. I said that I did not.</b></p> <p>7 Q. I'm showing you what we marked</p> <p>8 previously as Exhibit B-45. Do you see the</p> <p>9 date?</p> <p>10 <b>A. (Reviews document.) 2004, August 12th.</b></p> <p>11 Q. Do you see the TiZA logo at the top of</p> <p>12 B-45?</p> <p>13 <b>A. Yes. I see what appears to be the logo,</b></p> <p>14 <b>yes.</b></p> <p>15 Q. Does that, in your mind, resemble the</p> <p>16 Dome on the Rock?</p> <p>17 <b>A. No, it does not.</b></p> <p>18 Q. Does the logo you are referring to from</p> <p>19 2008, is it different than what you are looking</p> <p>20 at?</p> <p>21 <b>A. I believe so, yes.</b></p> <p>22 Q. In what way?</p> <p>23 <b>A. Well, I don't know.</b></p> <p>24 Q. Could you take a look at B-58?</p> <p>25 <b>A. (Reviews document.)</b></p>
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<p>1 Dome of the Rock..."</p> <p>2 Do you see that?</p> <p>3 <b>A. (Reviews document.) Yes.</b></p> <p>4 Q. Are you referring to the existing TiZA</p> <p>5 logo?</p> <p>6 <b>A. I believe they were earlier versions of</b></p> <p>7 <b>the logo.</b></p> <p>8 Q. Which one are you referring to?</p> <p>9 <b>A. Which version?</b></p> <p>10 Q. What TiZA logo, I guess, are you</p> <p>11 referring to, some earlier version, the current</p> <p>12 version? At what point in time do you claim</p> <p>13 the logo had those features that are alleged in</p> <p>14 that sentence?</p> <p>15 <b>A. During our investigation in 2008 they</b></p> <p>16 <b>had those features and I believe that's been</b></p> <p>17 <b>changed.</b></p> <p>18 Q. Did you personally view the logo?</p> <p>19 <b>A. No, I did not.</b></p> <p>20 Q. Have you seen the Dome on the Rock?</p> <p>21 <b>A. I've seen pictures of it.</b></p> <p>22 Q. Do you know where it's located?</p> <p>23 <b>A. In Jerusalem.</b></p> <p>24 Q. Do you know where in Jerusalem?</p> <p>25 <b>A. On the site of the original temple,</b></p>	<p>1 Q. And the date on B-58?</p> <p>2 <b>A. 2008.</b></p> <p>3 Q. Does that logo on the top of B-58 differ</p> <p>4 from the logo on B-45?</p> <p>5 <b>A. No, it does not.</b></p> <p>6 Q. Does that resemble to you the Dome on</p> <p>7 the Rock?</p> <p>8 <b>A. No, it does not.</b></p> <p>9 Q. What's a minaret?</p> <p>10 <b>A. Minaret is a tall tower that -- is where</b></p> <p>11 <b>the call to prayer is broadcast from.</b></p> <p>12 Q. Does the TiZA logo have a minaret in it</p> <p>13 that you are seeing on B-45 or B-58?</p> <p>14 <b>A. No, it does not.</b></p> <p>15 Q. Are you able to identify for me what</p> <p>16 versions of the TiZA logo you are referring to</p> <p>17 in S-63?</p> <p>18 <b>A. No, I cannot.</b></p> <p>19 Q. Do you know if any TiZA logo had those</p> <p>20 features of a minaret or reassembling the Dome</p> <p>21 on the Rock?</p> <p>22 <b>A. No, I do not.</b></p> <p>23 Q. You've never seen any anyway, right?</p> <p>24 <b>A. No, I have not.</b></p> <p>25 Q. Has anyone ever -- strike that.</p>

## **EXHIBIT 4**

to the Declaration of Shamus P. O'Meara

**Mona Elnahrawy, 7/8/2010****Page: 1**

Page 1	Page 3
<p>1 UNITED STATES DISTRICT COURT</p> <p>2 DISTRICT OF MINNESOTA</p> <p>3</p> <p>4</p> <p>5 Court File No. 09-cv-00138</p> <p>6</p> <p>7 AMERICAN CIVIL LIBERTIES UNION OF</p> <p>8 MINNESOTA,</p> <p>9 Plaintiff,</p> <p>10 vs.</p> <p>11 TAREK IBN ZIYAD ACADEMY, et al.,</p> <p>12 Defendants.</p> <p>13</p> <p>14</p> <p>15</p> <p>16 DEPOSITION OF</p> <p>17 MONA ELNAHRAWY</p> <p>18 Taken on Thursday, July 8, 2010</p> <p>19 Scheduled for 9:00 a.m.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 REPORTED BY: Dana S. Anderson-Linnell</p>	<p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Defendants Tarek Ibn Ziyad Academy,</p> <p>4 Asad Zaman, Asif Rahman, Mahrous Kandil, Mona</p> <p>5 Elnahrawy, Moira Fahey and Mohamed Farid:</p> <p>6 Mark R. Azman, Esquire</p> <p>7 JOHNSON &amp; CONDON</p> <p>8 7401 Metro Boulevard, Suite 600</p> <p>9 Minneapolis, MN 55439-3034</p> <p>10 Phone: 952.831.6544</p> <p>11 Email: mra@johnson-condon.com</p> <p>12</p> <p>13</p> <p>14 On Behalf of Defendant Islamic Relief USA:</p> <p>15 Tim Obitts, Esquire</p> <p>16 GAMMON &amp; GRANGE, P.C.</p> <p>17 Seventh Floor</p> <p>18 8280 Greensboro Drive</p> <p>19 McLean, VA 22102</p> <p>20 Phone: 703.761.5000</p> <p>21 Email: sjw@gg-law.com</p> <p>22</p> <p>23</p> <p>24 (Appearances continued on the next page.)</p> <p>25</p>
Page 2	Page 4
<p>1 DEPOSITION OF MONA ELNAHRAWY taken on Thursday, July</p> <p>2 8th, 2010, commencing at 9:06 a.m. at the offices of</p> <p>3 Dorsey and Whitney, 50 South Sixth Street, Suite</p> <p>4 1500, Minneapolis, Minnesota before</p> <p>5 Dana S. Anderson-Linnell, a Notary Public in and of</p> <p>6 the State of Minnesota.</p> <p>7 *****</p> <p>8</p> <p>9 APPEARANCES</p> <p>10</p> <p>11 On Behalf of Plaintiff American Civil Liberties</p> <p>12 Union of Minnesota:</p> <p>13 Katie Pfeifer, Esquire</p> <p>14 Mark D. Wagner, Esquire</p> <p>15 DORSEY &amp; WHITNEY</p> <p>16 50 South Sixth Street, Suite 1500</p> <p>17 Minneapolis, MN 55402</p> <p>18 Phone: 612.340.2600</p> <p>19 Email: pfeifer.katie@dorsey.com</p> <p>20 wagner.mark@dorsey.com</p> <p>21</p> <p>22</p> <p>23 (Appearances continued on the next page.)</p> <p>24</p> <p>25</p>	<p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Defendant Commissioner of Education:</p> <p>4 Kathryn Woodruff, Esquire</p> <p>5 Tamar Gronvall, Esquire (partial day)</p> <p>6 MINNESOTA ATTORNEY GENERAL'S OFFICE</p> <p>7 445 Minnesota Street, Suite 900</p> <p>8 St. Paul, MN 55101</p> <p>9 Phone: 651.297.5934</p> <p>10 Email: kathryn.woodruff@state.mn.us</p> <p>11 tamar.gronvall@state.mn.us</p> <p>12</p> <p>13</p> <p>14 ALSO PRESENT: Asad Zaman</p> <p>15</p> <p>16</p> <p>17 NOTE: The original transcript will be filed with</p> <p>18 the Dorsey and Whitney Law Firm, pursuant to the</p> <p>19 applicable Rules of Civil Procedure.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>1 Q. So she wasn't with you the whole time?</p> <p>2 <b>A. No.</b></p> <p>3 Q. And I understand you can't remember the</p> <p>4 names of the two females that were the</p> <p>5 supervising teachers?</p> <p>6 <b>A. Yeah.</b></p> <p>7 Q. Were they physical education teachers?</p> <p>8 <b>A. No -- I don't know.</b></p> <p>9 Q. You don't know?</p> <p>10 <b>A. I don't know.</b></p> <p>11 Q. Do you recall if they taught in other</p> <p>12 areas of the building?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. In 2005 to 2006, I think you said you</p> <p>15 had a supervising teacher -- sorry. Let me</p> <p>16 back up.</p> <p>17 2003 to 2004, I think you said Sara was</p> <p>18 the supervising teacher?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. Do you recall where else she taught in</p> <p>21 the building?</p> <p>22 <b>A. Fourth grade.</b></p> <p>23 Q. 2004 to 2005, I think you said you</p> <p>24 didn't have a supervising teacher. 2005 to</p> <p>25 2006, you said there was a female, is that</p>	<p>1 <b>papers.</b></p> <p>2 Q. What else?</p> <p>3 <b>A. Taking care of small groups if need more</b></p> <p>4 <b>help.</b></p> <p>5 Q. Anything else?</p> <p>6 <b>A. Taking kids downstairs for lunch, bring</b></p> <p>7 <b>them back.</b></p> <p>8 Q. Anything else?</p> <p>9 <b>A. No.</b></p> <p>10 Q. Now, do the kids have to be monitored</p> <p>11 the entire lunch period?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. So you stand there the entire time?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. What is the school day?</p> <p>16 <b>A. The school day start from?</b></p> <p>17 Q. Yeah.</p> <p>18 <b>A. The school day -- for a teacher, or for</b></p> <p>19 <b>a student?</b></p> <p>20 Q. Student.</p> <p>21 <b>A. For a student, from 9:00 to 3:30.</b></p> <p>22 Q. And has that been true since you began</p> <p>23 at TiZA?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. How about for the teachers, what's your</p>
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<p>1 right?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. And where did that female teach?</p> <p>4 <b>A. I can't remember.</b></p> <p>5 Q. 2006 to 2007, no supervising teacher.</p> <p>6 Same 2007-2008?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. 2008-2009, you said there was a female.</p> <p>9 Do you recall where she taught?</p> <p>10 <b>A. No, I can't remember.</b></p> <p>11 Q. Why did you move out of the physical</p> <p>12 education class?</p> <p>13 <b>A. I moved out because I cannot pass my</b></p> <p>14 <b>test, so I'm not be able to renew my license</b></p> <p>15 <b>again. That's why.</b></p> <p>16 Q. Did you move out at any point during the</p> <p>17 2008-2009 school year, or was it just the start</p> <p>18 of the 2009-2010 school year?</p> <p>19 <b>A. I move out in 2009-2010.</b></p> <p>20 Q. So you taught physical education the</p> <p>21 entire 2008-2009 school year?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. What were your responsibilities as a</p> <p>24 teacher assistant in the sixth grade room?</p> <p>25 <b>A. Doing copies for teachers, correcting</b></p>	<p>1 school day?</p> <p>2 <b>A. 8:45 until dismissing the buses.</b></p> <p>3 Q. When is that?</p> <p>4 <b>A. 4:30.</b></p> <p>5 Q. Looking back at Exhibit 105 again the --</p> <p>6 I think it's the fourth page where it's your</p> <p>7 name at the top with the address?</p> <p>8 <b>A. Uh-huh.</b></p> <p>9 Q. This indicates you were the chair of the</p> <p>10 student activity committee?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. That was 2004 to the present?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. So you are still the chair of the</p> <p>15 student activity committee?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. What did you do in that position -- or</p> <p>18 what do you do in that position?</p> <p>19 <b>A. Okay. For this position I'm taking care</b></p> <p>20 <b>of the assembly at school, any event for the --</b></p> <p>21 <b>related to the students, and the end of the</b></p> <p>22 <b>school year carnival, and the end of the school</b></p> <p>23 <b>year ceremony for the --</b></p> <p>24 Q. End of the school year ceremony?</p> <p>25 <b>A. Yeah.</b></p>



Page 53	Page 55
<p>1 Q. You listed four things. Assembly, what 2 is that? 3 <b>A. Assembly, we have every -- the first</b> 4 <b>Monday of each month we are gathering the whole</b> 5 <b>student in the building to show the students</b> 6 <b>who is doing well in academic, so they are</b> 7 <b>going to be student of the month from each</b> 8 <b>classroom, who is the best behavior class, who</b> 9 <b>is the best behavior bus.</b> 10 Q. So it's an awards-type ceremony? 11 <b>A. Yeah.</b> 12 Q. You said that's once monthly? 13 <b>A. Yes.</b> 14 Q. Is it the same day every month? 15 <b>A. Yes.</b> 16 Q. What day of the week is it? 17 <b>A. First Monday of each month.</b> 18 Q. Same time? 19 <b>A. Yes.</b> 20 Q. When? 21 <b>A. 9:30 for elementary school, and middle</b> 22 <b>school by 11:00.</b> 23 Q. So 9:30 a.m. for elementary? 24 <b>A. Yeah.</b> 25 Q. And 11:00 for --</p>	<p>1 <b>and do it.</b> 2 Q. Do you attend every assembly? 3 <b>A. Yes.</b> 4 Q. Both for elementary and for -- 5 <b>A. Yes. Middle.</b> 6 Q. -- middle school? 7 <b>A. Yes.</b> 8 Q. Now, back first on your position as 9 chair of the student activities committee, does 10 that committee meet once a month? 11 <b>A. Not really. It depends how -- how it</b> 12 <b>goes, because the committee has like a certain</b> 13 <b>duty for each one of us. So each one of us has</b> 14 <b>their own duty and they know what they're</b> 15 <b>doing.</b> 16 Q. Who else is on the committee? 17 <b>A. The committee? A lot.</b> 18 Q. How many people are on the committee? 19 <b>A. Around eight or seven. And every year</b> 20 <b>it change because we are voting or elect who to</b> 21 <b>go to each committee.</b> 22 Q. I'm sorry. You are voting who? 23 <b>A. Each year it's different.</b> 24 Q. Okay. But you -- I didn't catch your 25 answer. You are voting --</p>
Page 54	Page 56
<p>1 <b>A. For middle school.</b> 2 Q. And has that been true throughout the, I 3 guess, six years from 2004 to present that 4 you've been the chair of the student activity 5 committee? 6 <b>A. Yes.</b> 7 Q. What is considered middle school, just 8 seven and eight, or six, seven and eight? 9 <b>A. Seven and eighth grade.</b> 10 Q. Seven and eighth? 11 <b>A. Yeah, that's our school.</b> 12 Q. How long do these ceremonies last, the 13 awards ceremonies? 14 <b>A. 30 minutes or 45 minutes.</b> 15 Q. 30 to 45 minutes? 16 <b>A. Yes.</b> 17 Q. Who leads these, I guess, assemblies, 18 these awards assemblies? 19 <b>A. What do you mean who lead it?</b> 20 Q. Is there somebody who is up at the front 21 of the room giving out the awards? 22 <b>A. Oh, yeah. Yes.</b> 23 Q. And who is that? 24 <b>A. Before it was Asad or Hesham or Wendy or</b> 25 <b>Magdy, any one of them available, just stop by</b></p>	<p>1 <b>A. Yes, who elect -- from the staff who</b> 2 <b>elect to being in a quality committee, an</b> 3 <b>activity committee, it depends, to be in a</b> 4 <b>committee, which committee.</b> 5 Q. Is it always teachers who are on the 6 committees? 7 <b>A. Yes.</b> 8 Q. Any other staff? 9 <b>A. I think that the school has all of --</b> 10 <b>most of them, teachers or teacher assistant,</b> 11 <b>yes.</b> 12 Q. Okay. Have you been on any other 13 committees? 14 <b>A. Events committee too.</b> 15 Q. The events committee? 16 <b>A. Yes.</b> 17 Q. Okay. We'll get -- I'll ask you that in 18 a minute. 19 So you don't really meet monthly? 20 <b>A. No.</b> 21 Q. Do you take -- do you have a -- do you 22 meet? Sorry. Do you meet? 23 <b>A. Yes.</b> 24 Q. Okay. How often? 25 <b>A. Like three or four times a year.</b></p>

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<p>1 Q. Okay. Are there agendas for those</p> <p>2 meetings?</p> <p>3 <b>A. Yes, I have had it, but I never kept it.</b></p> <p>4 Q. I'm sorry. You do prepare them?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. But you don't keep them?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. Do you give them to anybody to approve</p> <p>9 prior to the meeting?</p> <p>10 <b>A. No.</b></p> <p>11 Q. Do you keep minutes of the meetings?</p> <p>12 <b>A. No.</b></p> <p>13 Q. Do you have a secretary?</p> <p>14 <b>A. No.</b></p> <p>15 Q. What is it -- what is your understanding</p> <p>16 about what the board requires for these --</p> <p>17 sorry, the school requires for these</p> <p>18 committees? In other words, do you know</p> <p>19 whether the school requires a secretary for the</p> <p>20 committee?</p> <p>21 <b>A. No.</b></p> <p>22 Q. You don't know?</p> <p>23 <b>A. No.</b></p> <p>24 Q. How about that the school requires</p> <p>25 minutes for the meetings?</p>	<p>1 <b>A. In the orientation time.</b></p> <p>2 Q. So the orientation you are talking is</p> <p>3 the two weeks before the start of the school</p> <p>4 year?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. For example, this one which says it's</p> <p>7 updated in the middle of the school year or</p> <p>8 towards the beginning but after the</p> <p>9 orientation, do you recall receiving a second</p> <p>10 copy in 2009?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. You do. Do you recall receiving a copy</p> <p>13 in orientation and then later on?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. Who do you receive the handbook from?</p> <p>16 <b>A. The handbook?</b></p> <p>17 Q. Yeah.</p> <p>18 <b>A. From the administrator in the school.</b></p> <p>19 Q. Is it put in your mailbox?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. Can you turn to page 31 of this</p> <p>22 handbook, which is TiZA Documents 029632?</p> <p>23 <b>A. (Complies.)</b></p> <p>24 Q. And you see there is a committee</p> <p>25 description. Do you see that?</p>
Page 58	Page 60
<p>1 <b>A. No.</b></p> <p>2 Q. Does the school require an agenda for</p> <p>3 the meetings?</p> <p>4 <b>A. No.</b></p> <p>5 Q. You don't know that?</p> <p>6 <b>A. No.</b></p> <p>7 Q. How about that you are supposed to get</p> <p>8 those agendas approved by Zaman or the</p> <p>9 executive director, do you know that?</p> <p>10 <b>A. No.</b></p> <p>11 Q. And you don't keep any records of what</p> <p>12 goes on at these meetings?</p> <p>13 <b>A. No.</b></p> <p>14 Q. Showing you what was previously marked</p> <p>15 as Exhibit 91. This is a staff handbook, 2009</p> <p>16 to 2010, updated November 12th, 2009.</p> <p>17 Do you see that?</p> <p>18 <b>A. (Reviews document.) Yes.</b></p> <p>19 Q. In the course of your position as a</p> <p>20 teacher's assistant, do you receive a copy of a</p> <p>21 staff handbook?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. Every year?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. When do you receive it?</p>	<p>1 <b>A. (Reviews document.) Yes.</b></p> <p>2 Q. And the one that we are talking about is</p> <p>3 the student activities committee, correct?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. In the orientation, do you go over this</p> <p>6 handbook?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. And have you ever gone over the</p> <p>9 requirements for committees?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. When?</p> <p>12 <b>A. In the orientation time.</b></p> <p>13 Q. Every year?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. Would you turn to the next page.</p> <p>16 <b>A. (Complies.)</b></p> <p>17 Q. See the guidelines for committee</p> <p>18 meetings?</p> <p>19 <b>A. (Reviews document.) Yes.</b></p> <p>20 Q. Did you go over this in any orientation?</p> <p>21 <b>A. Yes, we go through everything in the</b></p> <p>22 <b>orientation.</b></p> <p>23 Q. So the point three, a secretary must be</p> <p>24 appointed for the committee, do you see that?</p> <p>25 <b>A. Yes.</b></p>

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<p>1 Q. So you testified previously you didn't</p> <p>2 know that?</p> <p>3 <b>A. I don't know what?</b></p> <p>4 Q. That a secretary had to be appointed for</p> <p>5 the committee.</p> <p>6 <b>A. But the secretary, she's the one page.</b></p> <p>7 <b>I give her the page for the meeting, for the</b></p> <p>8 <b>student committee meeting. She pages the</b></p> <p>9 <b>building to let everyone know we have a meeting</b></p> <p>10 <b>at a certain time.</b></p> <p>11 Q. So there is a secretary?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. Who is that?</p> <p>14 <b>A. Not for the committee, the school</b></p> <p>15 <b>secretary.</b></p> <p>16 Q. Okay. This says, though, a secretary</p> <p>17 must be appointed for the committee. And you</p> <p>18 are testifying that there is no secretary</p> <p>19 appointed for the committee?</p> <p>20 <b>A. The school secretary, or the committee</b></p> <p>21 <b>secretary?</b></p> <p>22 Q. The committee secretary.</p> <p>23 <b>A. We don't have a secretary for the</b></p> <p>24 <b>committee.</b></p> <p>25 Q. So you are not following this guideline?</p>	<p>1 MS. PFEIFER: Go ahead and repeat</p> <p>2 the question.</p> <p>3 (Whereupon, the court reporter read</p> <p>4 back the previous question.)</p> <p>5 THE WITNESS: I don't know.</p> <p>6 BY MS. PFEIFER:</p> <p>7 Q. You don't know. How about that the --</p> <p>8 each committee shall meet on the second Monday</p> <p>9 of the month from 7:30 to 8:30 a.m., that's not</p> <p>10 happening, correct?</p> <p>11 MR. AZMAN: I'm going to object to</p> <p>12 this line of questioning as completely out of</p> <p>13 any relevance having anything to do with this</p> <p>14 case at all.</p> <p>15 BY MS. PFEIFER:</p> <p>16 Q. Go ahead.</p> <p>17 MR. AZMAN: We are kind of burning</p> <p>18 through time here.</p> <p>19 You can answer, if you know.</p> <p>20 MS. PFEIFER: I'd ask that you not</p> <p>21 do speaking objections. You can object on</p> <p>22 relevance, which is not an appropriate</p> <p>23 objection, but that's fine, but not speaking</p> <p>24 objections.</p> <p>25 MR. AZMAN: You are wasting time</p>
Page 62	Page 64
<p>1 MR. AZMAN: I'll object as it's</p> <p>2 seeking a legal conclusion. I mean, it says</p> <p>3 what it says. She said she didn't have a</p> <p>4 secretary. That's her answer.</p> <p>5 BY MS. PFEIFER:</p> <p>6 Q. Go ahead. You are not following this</p> <p>7 guideline, correct?</p> <p>8 MR. AZMAN: I'm going to object.</p> <p>9 I --</p> <p>10 MS. PFEIFER: You can object all you</p> <p>11 want. She still has to answer.</p> <p>12 MR. AZMAN: Can I finish the</p> <p>13 objection before --</p> <p>14 MS. PFEIFER: You already objected.</p> <p>15 MR. AZMAN: You asked another</p> <p>16 question and I am making another objection.</p> <p>17 MS. PFEIFER: Okay. It's the same</p> <p>18 question. Do you have the same objection?</p> <p>19 MR. AZMAN: It's the same objection.</p> <p>20 So I would like to at least make it. So I have</p> <p>21 made my objection now.</p> <p>22 And you can -- do you remember what</p> <p>23 the question is?</p> <p>24 THE WITNESS: Her questions about</p> <p>25 the -- the secretary, right? I can't remember.</p>	<p>1 with these ridiculous questions.</p> <p>2 BY MS. PFEIFER:</p> <p>3 Q. Go ahead.</p> <p>4 That's not happening, is it?</p> <p>5 MR. AZMAN: Think about the</p> <p>6 question, then answer.</p> <p>7 THE WITNESS: Not usually.</p> <p>8 BY MS. PFEIFER:</p> <p>9 Q. Not usually?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. Okay. And the secretary will take</p> <p>12 minutes, there is no minutes of the meetings?</p> <p>13 <b>A. No.</b></p> <p>14 Q. Has that been true since 2004, 2004 on</p> <p>15 to 2010?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. Do you recall if at every orientation</p> <p>18 before the school year the handbook is</p> <p>19 discussed?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. So you said in addition to assembly you</p> <p>22 said any student events is the purview or the</p> <p>23 responsibility of the student activity</p> <p>24 committee, is that right? What other types of</p> <p>25 student events?</p>

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<p>1 <b>A. Fire drill, tornado drill that's</b>  2 <b>happening to practice this stuff with the kids</b>  3 <b>for their safety.</b>  4 Q. Okay.  5 <b>A. Fun night.</b>  6 Q. What's fun night?  7 <b>A. Fun night is for the students to</b>  8 <b>watching movie and just -- for the students and</b>  9 <b>even for their parents to like invite them to</b>  10 <b>have a social.</b>  11 Q. Is it at --  12 <b>A. Social together.</b>  13 Q. Social together?  14 <b>A. Yes, the parents and the students.</b>  15 Q. How often does that happen?  16 <b>A. Like every year we just adding more</b>  17 <b>stuff to how it can help the kids have like</b>  18 <b>more activity in the building or the building</b>  19 <b>active more. So every year it's different from</b>  20 <b>another. It depends how it goes. If it goes</b>  21 <b>well, we can do it again. If it is not, we</b>  22 <b>will not do it.</b>  23 Q. But the fun night in particular, how  24 many times has that occurred?  25 <b>A. I can't remember exactly, but we have</b></p>	<p>1 Q. Why did that end?  2 <b>A. Because the parents did not come on time</b>  3 <b>to pick up their kids.</b>  4 Q. Okay. So in order to do this Friday fun  5 night the parents didn't have to be with the  6 kids?  7 <b>A. No, they did not.</b>  8 Q. But they could be it sounded like?  9 <b>A. Yes.</b>  10 Q. Now, were you involved with overseeing  11 this Friday fun night?  12 <b>A. Sometimes I do. Sometimes not.</b>  13 Q. Through -- well, since TiZA obtained the  14 second campus in Blaine, do you have any  15 responsibility for the Blaine campus?  16 <b>A. No.</b>  17 Q. Have you ever been to the Blaine campus?  18 <b>A. No.</b>  19 Q. So all of my questions then are going to  20 relate to the Inver Grove Heights campus. You  21 understand that?  22 <b>A. Yes.</b>  23 Q. Okay. And just to clarify, at any time  24 since you've worked at TiZA either as a staff  25 member or a board member, you've never been to</p>
Page 66	Page 68
<p>1 <b>like -- on Friday we have a fun night, Friday</b>  2 <b>fun night at school, Friday fun nights.</b>  3 Q. Is that every Friday?  4 <b>A. It used to be. For one year it used to</b>  5 <b>be every Friday.</b>  6 Q. What year was that?  7 <b>A. I can't remember exactly what year it</b>  8 <b>was at. And some parents, volunteering parents</b>  9 <b>were running this.</b>  10 Q. So a volunteer parent ran it?  11 <b>A. Yes.</b>  12 Q. Who was that?  13 <b>A. I can't remember their names.</b>  14 Q. Did that happen at the TiZA building,  15 the school?  16 <b>A. Yep.</b>  17 Q. What time was it?  18 <b>A. After school.</b>  19 Q. Directly after school?  20 <b>A. Yes.</b>  21 Q. Did it go into the evening hours?  22 <b>A. From 4:30 to 5:15.</b>  23 Q. Now, you said it was every Friday for a  24 year?  25 <b>A. Yes.</b></p>	<p>1 the Blaine campus?  2 <b>A. No.</b>  3 Q. So for any other student events, you  4 said fire drill, tornado drill, fun night. Any  5 others that you can think of?  6 <b>A. Last year we had movie night that never</b>  7 <b>happened before.</b>  8 Q. How often was that?  9 <b>A. Twice a year.</b>  10 Q. Twice a year?  11 <b>A. Yes.</b>  12 Q. What time of the day was that?  13 <b>A. After school.</b>  14 Q. Was that again the 4:30 to 5:15 time  15 period?  16 <b>A. No. This one, it was from 5:00 to 7:00.</b>  17 Q. Was there a particular night, or just  18 whenever worked?  19 <b>A. Yeah.</b>  20 Q. What movies were shown?  21 <b>A. I don't know. I can't remember.</b>  22 Q. Happened two times, though?  23 <b>A. Yes.</b>  24 Q. Any other events?  25 <b>A. One of the movies was the "we."</b></p>

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<p>1 Q. The "we"?</p> <p>2 <b>A. Yeah.</b></p> <p>3 MR. AZMAN: Can you spell that?</p> <p>4 BY MS. PFEIFER:</p> <p>5 Q. I'm not sure what movie that is.</p> <p>6 <b>A. I can't remember.</b></p> <p>7 Q. The "we"?</p> <p>8 <b>A. Yeah.</b></p> <p>9 MR. AZMAN: The video game, Wii?</p> <p>10 BY MS. PFEIFER:</p> <p>11 Q. Was it a game, not a movie?</p> <p>12 <b>A. No. It's a movie. But it's always</b></p> <p>13 <b>about remote. It's like a boat and how it</b></p> <p>14 <b>goes. I don't know. I can't remember.</b></p> <p>15 Q. That's fine. Anything else other than</p> <p>16 the four we've talked about for other student</p> <p>17 events that you as the student activity</p> <p>18 committee put on?</p> <p>19 <b>A. I don't think so. I can't remember</b></p> <p>20 <b>exactly or going -- details.</b></p> <p>21 Q. How about the end of school carnival,</p> <p>22 what's that?</p> <p>23 <b>A. The end of the school carnival?</b></p> <p>24 Q. Yeah.</p> <p>25 <b>A. Oh. Reading minutes too. This is a</b></p>	<p>1 <b>carnival.</b></p> <p>2 Q. So they have the carnival because if</p> <p>3 they hit their target, they get a carnival?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. And has there been a carnival all six</p> <p>6 years you've been on the committee?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. So they have always hit their target?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. Where is the carnival held, at TiZA?</p> <p>11 <b>A. Yeah.</b></p> <p>12 Q. What's the end of school ceremony, end</p> <p>13 of school year ceremony?</p> <p>14 <b>A. Yes. This is like the -- depending on</b></p> <p>15 <b>the teacher, the teacher choose who is the best</b></p> <p>16 <b>student in her classroom academically, the best</b></p> <p>17 <b>one in citizenship and academic and science</b></p> <p>18 <b>fair -- oh, we have a science fair too. This</b></p> <p>19 <b>is -- science fair. And we are giving them</b></p> <p>20 <b>awards by the end of the school year.</b></p> <p>21 Q. Awards?</p> <p>22 <b>A. Yeah. Awards like trophies, has their</b></p> <p>23 <b>name and like academic or citizenship.</b></p> <p>24 Q. So it sounds like it's a bigger</p> <p>25 version --</p>
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<p>1 <b>student activity. Reading minutes.</b></p> <p>2 Q. Reading minutes?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. What is that?</p> <p>5 <b>A. We are keeping track. We have like a</b></p> <p>6 <b>competition, school-wide competition for</b></p> <p>7 <b>reading.</b></p> <p>8 Q. This is that you want to read a certain</p> <p>9 amount of minutes in a --</p> <p>10 <b>A. Yes. So we are keeping track every</b></p> <p>11 <b>month about that.</b></p> <p>12 Q. Okay. And that's your job as -- or the</p> <p>13 committee's job to keep track of that?</p> <p>14 <b>A. Yeah.</b></p> <p>15 Q. So that is -- is there a written</p> <p>16 documentation on it?</p> <p>17 <b>A. Written?</b></p> <p>18 Q. In other words, you keep written records</p> <p>19 of it?</p> <p>20 <b>A. Yes. It's even in our shared drive like</b></p> <p>21 <b>every month for each classroom how many minutes</b></p> <p>22 <b>have they read. And by the end of the year we</b></p> <p>23 <b>are getting the data for most class -- like the</b></p> <p>24 <b>winner class, who reads the most and we get our</b></p> <p>25 <b>targets. That's why they are having the</b></p>	<p>1 <b>A. Yeah.</b></p> <p>2 Q. -- of your monthly assembly?</p> <p>3 <b>A. Yeah. Yes. But in this one --</b></p> <p>4 MR. AZMAN: There is no question.</p> <p>5 BY MS. PFEIFER:</p> <p>6 Q. How is it different? What were you</p> <p>7 about ready to say?</p> <p>8 <b>A. I open the questions. I'm so sorry.</b></p> <p>9 <b>This one, we send for our -- call parents to</b></p> <p>10 <b>come and surprise their kids. The kids doesn't</b></p> <p>11 <b>even know they get the awards, so got to be</b></p> <p>12 <b>like special for them.</b></p> <p>13 Q. Going back to the monthly assemblies.</p> <p>14 <b>A. Uh-huh.</b></p> <p>15 Q. Is there a way in which the group,</p> <p>16 either in the elementary or middle school,</p> <p>17 congratulate the award winners?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. How?</p> <p>20 <b>A. By hip hip hurray.</b></p> <p>21 Q. Any other similar types of chants have</p> <p>22 ever been done?</p> <p>23 <b>A. What do you mean by chant?</b></p> <p>24 Q. Hip hip hurray, I guess I consider that</p> <p>25 a chant. Anything similar to that that's ever</p>

Page 93	Page 95
<p>1 <b>downstairs gymnasium it's the cafeteria too for</b>  2 <b>lunch and special ed room, library. And</b>  3 <b>straight ahead down you will find third, fourth</b>  4 <b>and fifth graders.</b>  5 Q. Okay. So when you are teaching in the  6 gymnasium you are not interacting with the  7 third, fourth and fifth graders in their  8 classrooms?  9 <b>A. Yes.</b>  10 Q. How about the special ed, are you  11 interacting with them at all when you are  12 teaching the phys ed in the gymnasium?  13 <b>A. No.</b>  14 Q. And the library, that's an open room,  15 correct?  16 <b>A. Yes.</b>  17 Q. Is it open right into the cafeteria  18 gymnasium?  19 <b>A. No.</b>  20 Q. Aside from -- did you say something?  21 <b>A. No.</b>  22 Q. Sorry. Aside from whether you've heard  23 prayer or religious material being taught at  24 the school, have you heard any discussions from  25 anybody about the teaching of prayer or</p>	<p>1 Q. At the mosque do you hear people talking  2 about TiZA?  3 <b>A. About?</b>  4 Q. About TiZA?  5 <b>A. For what perspective?</b>  6 Q. Any perspective.  7 <b>A. No.</b>  8 Q. You never hear them talking about TiZA?  9 <b>A. No.</b>  10 Q. Do kids -- kids at TiZA go to the same  11 mosque that you go to?  12 <b>A. Yes.</b>  13 Q. Do their parents?  14 <b>A. Yes.</b>  15 Q. You never hear them talking about TiZA?  16 <b>A. About what?</b>  17 Q. Anything. I've said anything.  18 <b>A. They are student. They can ask me about</b>  19 <b>how they are doing academically. That's it.</b>  20 Q. Does that happen? Do you get those  21 questions?  22 <b>A. No. No.</b>  23 Q. When I am asking you questions I want to  24 know what has actually happened, not what might  25 happen.</p>
Page 94	Page 96
<p>1 religious material at the school?  2 <b>A. No.</b>  3 Q. Have you ever heard anybody refer to  4 TiZA as an Islamic school?  5 <b>A. No.</b>  6 Q. Nobody in the Muslim community refers to  7 TiZA as an Islamic school?  8 <b>A. No.</b>  9 Q. Have you ever heard anybody in the  10 Muslim community that you associate with refer  11 to TiZA as our school?  12 <b>A. What do you mean by that.</b>  13 Q. Our, o-u-r, our school?  14 <b>A. No.</b>  15 Q. Do you attend a mosque regularly? We  16 did talk about Al-Huda, correct?  17 <b>A. Yes.</b>  18 Q. Is that still the mosque you attend?  19 <b>A. No.</b>  20 Q. Do you attend a different mosque now?  21 <b>A. Yes.</b>  22 Q. Do you attend regularly?  23 <b>A. On the weekends.</b>  24 Q. Every weekend?  25 <b>A. Yes.</b></p>	<p>1 <b>A. Okay.</b>  2 Q. Do you have any role in the Arabic  3 curriculum at TiZA?  4 <b>A. No.</b>  5 Q. Have you ever taught the Arabic  6 curriculum at TiZA?  7 <b>A. No.</b>  8 Q. Have you ever sat through a class of  9 Arabic language instruction at TiZA?  10 <b>A. No.</b>  11 Q. Do you know who teaches the Arabic  12 language instruction?  13 <b>A. Yes.</b>  14 Q. Who?  15 <b>A. Amina, Rasha.</b>  16 Q. Would Amina -- A-m-e-n-a?  17 <b>A. A-m-i-n-a.</b>  18 Q. Who else?  19 <b>A. Rasha.</b>  20 Q. Yes.  21 <b>A. R-a-s-h-a. Marwa, M-a-r-w-a.</b>  22 Q. Any others?  23 <b>A. Shabaan.</b>  24 Q. Now, other than Shabaan, are the other  25 three females?</p>

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<p>1 <b>A. No.</b></p> <p>2 Q. Now, the middle school hall, which is</p> <p>3 where the prayer room is, right, that's on the</p> <p>4 upper level?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. Where is it in connection with coming in</p> <p>7 the main entryway, the main entrance?</p> <p>8 <b>A. From the main entrance, take a right and</b></p> <p>9 <b>from that way take a right to the middle school</b></p> <p>10 <b>hallway and it's the last room on your right</b></p> <p>11 <b>side.</b></p> <p>12 Q. The prayer room is?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. And as we discussed, the sixth grade</p> <p>15 classroom is right next to it?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. Is the upper gym where the Friday</p> <p>18 prayers are held, is that used for anything</p> <p>19 else?</p> <p>20 <b>A. For gym classes, assemblies.</b></p> <p>21 Q. In addition to the cafeteria gym area</p> <p>22 which is on the lower level?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. Which classes use the upper gym?</p> <p>25 <b>A. You are talking about last year?</b></p>	<p>1 that -- sorry, you've testified as to what you</p> <p>2 understand a prayer rug to be, correct?</p> <p>3 <b>A. I understand what?</b></p> <p>4 Q. What a prayer rug to be.</p> <p>5 <b>A. I don't understand. What do you mean?</b></p> <p>6 Q. The testimony you just gave about what a</p> <p>7 prayer rug is.</p> <p>8 <b>A. Yes, I have it at home.</b></p> <p>9 Q. Okay. Have you ever heard any area in</p> <p>10 the school referred to as a prayer rug?</p> <p>11 <b>A. The school don't have a prayer rug.</b></p> <p>12 Q. That's not what I'm asking. Have you</p> <p>13 ever heard any area in the school referred to</p> <p>14 as a prayer rug?</p> <p>15 <b>A. No.</b></p> <p>16 Q. I think you previously testified that</p> <p>17 the school day ends at 3:30, is that right?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. And the buses -- you are done when the</p> <p>20 buses depart, which is about 4:00 --</p> <p>21 <b>A. 4:30.</b></p> <p>22 Q. What's going on in that gap of time?</p> <p>23 <b>A. What do you mean?</b></p> <p>24 Q. Between 3:30 and 4:30 what are the</p> <p>25 children doing?</p>
Page 178	Page 180
<p>1 Q. Yes.</p> <p>2 <b>A. Yes. Last year we have two different</b></p> <p>3 <b>gym teachers and each one of them using the --</b></p> <p>4 <b>one of the gyms, one upstairs and one</b></p> <p>5 <b>downstairs gym.</b></p> <p>6 Q. So you say you had two gym teachers.</p> <p>7 Were they physical education teachers?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. Who are they?</p> <p>10 <b>A. One of them Chad and the other one</b></p> <p>11 <b>Justin.</b></p> <p>12 Q. Okay. So you said gym, the assemblies.</p> <p>13 Anything else that the upper gym is used for?</p> <p>14 <b>A. Pictures, picture day you would use it,</b></p> <p>15 <b>for book fair we used it, family night for the</b></p> <p>16 <b>book fair we used it.</b></p> <p>17 Q. Family night for the book fair?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. I don't understand.</p> <p>20 <b>A. It's a week before the book fair.</b></p> <p>21 Q. Before the book fair?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. Okay. Anything else?</p> <p>24 <b>A. That's how -- so far I remember.</b></p> <p>25 Q. Okay. Now, I think you just testified</p>	<p>1 <b>A. The -- in the building there is after</b></p> <p>2 <b>school running in the building.</b></p> <p>3 Q. Okay.</p> <p>4 <b>A. So Girl Scouts, Boy Scouts, CARE</b></p> <p>5 <b>program.</b></p> <p>6 Q. What else?</p> <p>7 <b>A. Yes. And Islamic study program.</b></p> <p>8 Q. We'll get to that in just a minute.</p> <p>9 Do you have any role in deciding when</p> <p>10 the buses will come?</p> <p>11 <b>A. No.</b></p> <p>12 Q. You ever had any role in researching how</p> <p>13 much it will cost for the buses to come at a</p> <p>14 certain time?</p> <p>15 <b>A. No.</b></p> <p>16 Q. Ever been involved in discussions about</p> <p>17 whether the bus should come at 3:30 versus</p> <p>18 around 4:15, 4:30?</p> <p>19 <b>A. No.</b></p> <p>20 Q. Never had any such discussion?</p> <p>21 <b>A. No.</b></p> <p>22 Q. Ever had any parents ask you -- tell you</p> <p>23 that they would like transportation for their</p> <p>24 children at the end of the school day at 3:30?</p> <p>25 <b>A. No.</b></p>

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<p>1 Q. Ever heard any kids say they would like 2 to be able to go home at 3:30? 3 <b>A. No.</b> 4 Q. Do you know why TiZA -- TiZA's bus -- 5 busing comes at 4:15, 4:30 instead of 3:30? 6 <b>A. From the first year we work at TiZA,</b> 7 <b>yeah, they said that we start by 9:00 and ended</b> 8 <b>by that time to save money for the</b> 9 <b>transportation.</b> 10 Q. I'm sorry. You started at 9:00 and 11 ended at you said that time. What time? 12 <b>A. No -- yeah, we ended by the -- the</b> 13 <b>pickup for the student could be in that time</b> 14 <b>because we are going to save money, tons of</b> 15 <b>money.</b> 16 Q. Who told you that? 17 <b>A. That's in the staff meeting, everyone.</b> 18 Q. Okay. Who told you that? 19 <b>A. Asad.</b> 20 Q. Did you see any documents that told you 21 that? 22 <b>A. No.</b> 23 Q. Did Asad tell you what he was basing 24 that statement on? 25 <b>A. What do you mean?</b></p>	<p>1 Q. Ending after 3:30. I understand it 2 currently ends at 3:30. I understand that. 3 <b>A. Yes.</b> 4 Q. Do you know if the school has ever 5 considered not ending at 3:30 and instead 6 ending at 4:15 or 4:30? 7 <b>A. No.</b> 8 Q. You don't know or it has never been 9 considered? 10 <b>A. (Nods.)</b> 11 Q. I'm trying to figure out what your 12 answer is. 13 MR. AZMAN: What you know. 14 THE WITNESS: I know the school ends 15 by 3:30. 16 BY MS. PFEIFER: 17 Q. Correct. Do you know whether the school 18 has ever considered ending later? 19 <b>A. No.</b> 20 Q. Okay. You don't know? I'm just 21 clarifying. You don't know whether the 22 school -- 23 <b>A. I don't understand your questions. What</b> 24 <b>do you mean by it?</b> 25 Q. I'm asking whether you know something</p>
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<p>1 Q. That he'd done -- what research he'd 2 done in order to be able to tell you that TiZA 3 would save tons of money? 4 <b>A. No.</b> 5 Q. Any discussion after that point? 6 <b>A. No.</b> 7 Q. Do you know if the parents have ever 8 been given an option on when the school bus 9 should come? 10 <b>A. When the school bus should come? I</b> 11 <b>don't remember.</b> 12 Q. You don't remember or you don't know? 13 <b>A. I don't know.</b> 14 Q. Do you know if the school has ever 15 considered going later, starting later and 16 ending later? 17 <b>A. What do you mean by --</b> 18 Q. School day. 19 <b>A. What do you mean by later?</b> 20 Q. Later than 3:30. 21 <b>A. No. School day end by 3:30.</b> 22 Q. Right. Do you know if the school has 23 ever considered ending later? 24 <b>A. What do you mean by that question? What</b> 25 <b>do you mean by ending later?</b></p>	<p>1 and you are saying no. And that's fine. I 2 just want to make sure that your answer is that 3 you don't know whether the school has ever 4 considered it versus the school has never 5 considered it. Do you understand that 6 differentiation? 7 <b>A. No.</b> 8 Q. Has the school ever considered ending 9 later? 10 <b>A. I don't understand what your point for</b> 11 <b>these questions. I need to answer it, but I</b> 12 <b>don't understand you very well.</b> 13 Q. I'm not understanding what you don't 14 understand. I'm asking has the school ever 15 considered ending later than 3:30? 16 <b>A. No.</b> 17 Q. You talked about the after-school 18 programs, you named four, Girl Scouts, Boy 19 Scouts, CARE, Islamic studies? 20 <b>A. Yes.</b> 21 Q. Anything else? 22 <b>A. Fitness, yes.</b> 23 Q. What's fitness? 24 <b>A. Sports.</b> 25 Q. Okay.</p>



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<p>1 <b>A. We call it fitness.</b></p> <p>2 Q. Sure. Anything else?</p> <p>3 <b>A. No.</b></p> <p>4 Q. What is your role with respect to the</p> <p>5 after-school programs?</p> <p>6 <b>A. What's my role?</b></p> <p>7 Q. Yeah.</p> <p>8 <b>A. I participate in Islamic study.</b></p> <p>9 Q. Has that been true since you began at</p> <p>10 TiZA?</p> <p>11 <b>A. No.</b></p> <p>12 Q. When did that occur?</p> <p>13 <b>A. In 2004-2005, I start participate in</b></p> <p>14 <b>Islamic study program --</b></p> <p>15 Q. Yes.</p> <p>16 <b>A. -- for two years.</b></p> <p>17 Q. So '04 to '05 and '05 to '06?</p> <p>18 <b>A. And I stopped one year. I was</b></p> <p>19 <b>participate in CARE program for one year.</b></p> <p>20 Q. That one year that you weren't --</p> <p>21 <b>A. Yeah.</b></p> <p>22 Q. So that was '06 to '07?</p> <p>23 <b>A. I'm not sure exactly, but could be. I'm</b></p> <p>24 <b>not sure. After that I participate in these</b></p> <p>25 <b>two programs, Islamic study and CARE.</b></p>	<p>1 <b>A. We started it and the year was -- I</b></p> <p>2 <b>can't remember exactly the year.</b></p> <p>3 Q. How many years after TiZA started?</p> <p>4 <b>A. I think the second year right away TiZA</b></p> <p>5 <b>start after-school program.</b></p> <p>6 Q. Okay. Do you recall in that -- whatever</p> <p>7 the first year TiZA offered after-school</p> <p>8 programs what the after-school programs were?</p> <p>9 <b>A. What do you mean?</b></p> <p>10 Q. Well, has it always been the four you</p> <p>11 listed, Girl Scouts, Boy Scouts, CARE and</p> <p>12 fitness?</p> <p>13 <b>A. The first school year you mean or what?</b></p> <p>14 Q. Since TiZA has been offering</p> <p>15 after-school programs, has it always been those</p> <p>16 four?</p> <p>17 <b>A. No.</b></p> <p>18 Q. Okay. What was it the first year TiZA</p> <p>19 offered the after-school programs?</p> <p>20 <b>A. TiZA did not offer after-school program</b></p> <p>21 <b>the first school year.</b></p> <p>22 Q. The first year TiZA did, whatever year</p> <p>23 that was, what did they offer?</p> <p>24 <b>A. TiZA -- first school year TiZA did not</b></p> <p>25 <b>provide any after-school program, but I can't</b></p>
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<p>1 Q. So since that one year that you weren't</p> <p>2 participating in Islamic studies you have</p> <p>3 restarted helping on Islamic studies as well as</p> <p>4 the CARE program, is that right?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. How often do the -- first, did you have</p> <p>7 any involvement in deciding which after-school</p> <p>8 programs TiZA allows?</p> <p>9 <b>A. TiZA allow after-school program for CARE</b></p> <p>10 <b>and Girl Scouts, Boy Scouts and sports.</b></p> <p>11 Q. Do you have any role in deciding which</p> <p>12 after-school programs TiZA allows?</p> <p>13 <b>A. Yes, I told you I was in CARE.</b></p> <p>14 Q. Right. I understand that. But do you</p> <p>15 have any role in the decision making that TiZA</p> <p>16 is going to allow these certain after-school</p> <p>17 programs?</p> <p>18 <b>A. No.</b></p> <p>19 Q. Who makes those decisions?</p> <p>20 <b>A. Hesham was telling us about the</b></p> <p>21 <b>different program in the staff meeting.</b></p> <p>22 Q. What staff meeting?</p> <p>23 <b>A. Monday staff meeting, weekly staff</b></p> <p>24 <b>meeting.</b></p> <p>25 Q. What year?</p>	<p>1 <b>remember when they start or TiZA offer exactly</b></p> <p>2 <b>after-school program.</b></p> <p>3 Q. When they did start, whenever it was,</p> <p>4 what was the after-school program that was</p> <p>5 offered? What was the first after-school</p> <p>6 program that was offered?</p> <p>7 <b>A. For TiZA?</b></p> <p>8 Q. Yes.</p> <p>9 <b>A. The family fun night and CARE.</b></p> <p>10 Q. And CARE?</p> <p>11 <b>A. Yeah. Oh, and Girl Scouts and Boy</b></p> <p>12 <b>Scouts start too in the second school year.</b></p> <p>13 <b>That's 2004 to 2005.</b></p> <p>14 Q. 2004 to 2005 is when Girl Scouts and Boy</p> <p>15 Scouts started?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. Do you have any role in the Girl Scouts</p> <p>18 or Boy Scouts?</p> <p>19 <b>A. I was volunteer sometimes.</b></p> <p>20 Q. Do you know if there's any scheduled</p> <p>21 kept as to when the various after-school</p> <p>22 programs occurred?</p> <p>23 <b>A. No.</b></p> <p>24 Q. Do the Girl Scouts -- to your knowledge,</p> <p>25 do the Girl Scouts meet every week?</p>

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<p>1 <b>A. Soaring Comet program?</b>  2 Q. Do you know what it is?  3 <b>A. I try to remember.</b>  4 Q. Okay.  5 <b>A. I think it's the CARE program.</b>  6 Q. I've seen references to Soaring  7 Comets --  8 <b>A. That's CARE program.</b>  9 Q. TiZA has a dress code for both the  10 children and staff, correct?  11 <b>A. Yes.</b>  12 Q. Do you know how that dress code for the  13 children was adopted?  14 <b>A. What do you mean was adopted?</b>  15 Q. How that program -- or how the dress  16 code was adopted?  17 <b>A. By color you mean or what?</b>  18 Q. Just in general, do you know how it was  19 adopted?  20 <b>A. No.</b>  21 Q. Did the teachers have any input into the  22 dress code, to your knowledge?  23 MR. AZMAN: If you know.  24 THE WITNESS: I don't know.  25 BY MS. PFEIFER:</p>	<p>1 <b>A. Yes.</b>  2 Q. You have?  3 <b>A. Yes.</b>  4 Q. What grade?  5 <b>A. Fifth and seven and eighth graders.</b>  6 Q. Do you know if they have been  7 disciplined for violating the dress code?  8 <b>A. No.</b>  9 Q. You don't know or they haven't?  10 <b>A. I don't know. But I work in the middle</b>  11 <b>school and I never stop them: Why are you</b>  12 <b>wearing that? I never did.</b>  13 Q. You have never asked a student why they  14 are wearing something?  15 <b>A. Except if they have a different color</b>  16 <b>from our uniform. That's it.</b>  17 Q. The only instance where you've ever been  18 involved with enforcing the dress code is the  19 color that they are wearing?  20 <b>A. Yeah, if they have sweater on in the</b>  21 <b>very cold winter in Minnesota, different color</b>  22 <b>sweaters with a hoodie on, okay, take this one</b>  23 <b>off, the hoodie off. And if they have</b>  24 <b>different color from our uniform, I ask them to</b>  25 <b>take it off.</b></p>
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<p>1 Q. Was it ever discussed, the dress code,  2 other than -- let's for a minute put aside any  3 problems with people complying with the dress  4 code. Was the dress code itself ever talked  5 about at these staff meetings?  6 <b>A. No.</b>  7 Q. Generally can you tell me what the dress  8 code is for students?  9 <b>A. Like light blue shirt with a navy blue</b>  10 <b>pants. And the dress, navy blue for girls.</b>  11 Q. For the girls, they can wear a dress of  12 navy blue?  13 <b>A. Yes.</b>  14 Q. Do you know if -- can the boys wear  15 short-sleeve shirts?  16 <b>A. Shorts?</b>  17 Q. Shorter sleeve shirts?  18 <b>A. Yes.</b>  19 Q. Can the girls?  20 MR. AZMAN: You just have to answer  21 what you know.  22 THE WITNESS: I don't know.  23 BY MS. PFEIFER:  24 Q. Have you seen girls wearing short-sleeve  25 shirts?</p>	<p>1 Q. Any other instances where you've stopped  2 somebody for violating the dress code?  3 <b>A. No.</b>  4 MR. AZMAN: Is this a good time to  5 take a break?  6 MS. PFEIFER: That's fine.  7 (Recess.)  8 BY MS. PFEIFER:  9 Q. We've been talking about the CARE  10 after-school program. Do you recall that?  11 <b>A. Yes.</b>  12 Q. What does CARE stand for -- or how do  13 you spell CARE?  14 <b>A. C-A-R-E.</b>  15 Q. What does it stand for, do you know?  16 It's always just been told as CARE to you?  17 <b>A. Yeah.</b>  18 Q. C-A-R-E?  19 <b>A. Maybe. I don't know. I'm just</b>  20 <b>guessing.</b>  21 Q. Now, you earlier testified that the  22 after-school program sponsored by TiZA -- or  23 TiZA's after-school programs are CARE, Boy  24 Scouts, Girl Scouts, and you said fitness, but  25 that's also a part of CARE, right?</p>

## **EXHIBIT 5**

to the Declaration of Shamus P. O'Meara

**Moira Fahey, 6/21/2010****Page: 1**

Page 1	Page 3
<p>1 UNITED STATES DISTRICT COURT</p> <p>2 DISTRICT OF MINNESOTA</p> <hr/> <p>4 AMERICAN CIVIL LIBERTIES UNION OF</p> <p>5 MINNESOTA,</p> <p>6 Plaintiff,</p> <p>7 vs. COURT FILE NO.: 09-cv-00138(DWF/JJG)</p> <p>8 TAREK IBN ZIYAD ACADEMY, et al.,</p> <p>9 Defendant.</p> <hr/> <p>12 DEPOSITION OF</p> <p>13 MOIRA FAHEY,</p> <p>14 Taken June 21, 2010</p> <p>15 Commencing at 9:10 a.m.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 REPORTED BY: DAWN WORKMAN BOUNDS, CSR, CLR</p>	<p>1 (APPEARANCES CONTINUED)</p> <p>2 ON BEHALF OF DEFENDANTS:</p> <p>3 Mark R. Azman, Esq.</p> <p>4 JOHNSON &amp; CONDON, P.A.</p> <p>5 Suite 600</p> <p>6 7401 Metro Boulevard</p> <p>7 Minneapolis, Minnesota 55439-3034</p> <p>8 952.831.6544</p> <p>9 mra@johnson-condon.com</p> <p>10</p> <p>11 ON BEHALF OF DEFENDANT ISLAMIC RELIEF USA:</p> <p>12 Sarah E. Bushnell, Esq.</p> <p>13 KELLY &amp; BERENS, P.A.</p> <p>14 ATTORNEYS AT LAW</p> <p>15 3720 IDS CENTER</p> <p>16 80 South Eighth Street</p> <p>17 Minneapolis, Minnesota 55402</p> <p>18 612.349.6171</p> <p>19 sbushnell@kellyandberens.com</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 (APPEARANCES CONTINUED ON NEXT PAGE)</p>
Page 2	Page 4
<p>1 Oral deposition of MOIRA FAHEY, taken June 21,</p> <p>2 2010, commencing at 9:10 a.m., at the offices Dorsey &amp;</p> <p>3 Whitney, LLP, 50 South Sixth Street, Suite 1500,</p> <p>4 Minneapolis, Minnesota, before Dawn Workman Bounds,</p> <p>5 Certified Shorthand Reporter and Notary Public of and</p> <p>6 for the State of Minnesota.</p> <p>7 *****</p> <p>8</p> <p>9 APPEARANCES</p> <p>10 ON BEHALF OF PLAINTIFF:</p> <p>11 Katie Pfeifer, Esq.</p> <p>12 Ivan Ludmer, Esq.</p> <p>13 Dorsey &amp; Whitney, LLP</p> <p>14 Suite 1500</p> <p>15 50 South Sixth Street</p> <p>16 Minneapolis, Minnesota 55402-1498</p> <p>17 612.340.2600</p> <p>18 katie.pfeifer@dorsey.com</p> <p>19 ivan.ludmer@dorsey.com</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 (APPEARANCES CONTINUED ON NEXT PAGE)</p>	<p>1 (APPEARANCES CONTINUED)</p> <p>2 ON BEHALF OF DEFENDANT ALICE SEAGREN, COMMISSIONER OF</p> <p>3 EDUCATION:</p> <p>4 Tamar N. Gronvall, Esq.</p> <p>5 MINNESOTA ATTORNEY GENERAL'S OFFICE</p> <p>6 Suite 900</p> <p>7 445 Minnesota Street</p> <p>8 St. Paul, Minnesota 55101-2130</p> <p>9 651.297.5922</p> <p>10 tamar.gronvall@state.mn.us</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>1 the time.</p> <p>2 Q. I'm sorry. I didn't catch what you said.</p> <p>3 A. If you're -- I'm not sure word for word.</p> <p>4 Q. Sure.</p> <p>5 A. I think she said, basically, if you would like</p> <p>6 to go to prayer, this is the time.</p> <p>7 Q. Did any of the students while you were in the</p> <p>8 seventh grade stay behind?</p> <p>9 A. I think a few.</p> <p>10 Q. Do you know the reasons?</p> <p>11 A. I think it was the same reason, that they had</p> <p>12 their period, and they were not supposed to pray at that</p> <p>13 time.</p> <p>14 Q. Okay. If a child stayed behind, who stayed with</p> <p>15 that child?</p> <p>16 A. There'd have to be -- one of the classes in the</p> <p>17 middle class school would have to supervise them, so one</p> <p>18 of the teachers would have to supervise them.</p> <p>19 Q. Was there always a teacher assigned?</p> <p>20 A. There must -- I always went with the children,</p> <p>21 so it must have -- they'd go to a room where there was a</p> <p>22 teacher who didn't go with the children.</p> <p>23 Q. Now -- okay.</p> <p>24 When the children went to Friday prayer,</p> <p>25 did they take their shoes off for the prayer?</p>	<p>1 Q. When the shoes was -- sorry.</p> <p>2 When the carpeted area was used to teach</p> <p>3 small groups, did the children wear shoes?</p> <p>4 A. No. They took their shoes off.</p> <p>5 Q. How about in the prayer room, what was the</p> <p>6 other -- what were the other purposes, if any, for the</p> <p>7 prayer room?</p> <p>8 A. In the past I have used it for -- for helping</p> <p>9 small groups of children to -- like -- like giving them</p> <p>10 special help.</p> <p>11 Q. Okay. Have you seen any other uses of it?</p> <p>12 A. I don't think so.</p> <p>13 Q. When you would use it to help small groups, did</p> <p>14 the children take their shoes off?</p> <p>15 A. Yes. Yeah, they did. Yeah.</p> <p>16 Q. Did you take your shoes off?</p> <p>17 A. Yes.</p> <p>18 Q. Did you ever see any instances where shoes were</p> <p>19 used on the carpeted area?</p> <p>20 A. Yes.</p> <p>21 Q. When?</p> <p>22 A. Several years ago.</p> <p>23 Q. Okay. What happened?</p> <p>24 A. We used to tell people that they shouldn't have</p> <p>25 their shoes on because, if it's used for prayer, they</p>
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<p>1 A. No.</p> <p>2 Q. When they went to the daily prayers, you said</p> <p>3 they did take their shoes off?</p> <p>4 A. Yes.</p> <p>5 Q. Where were the shoes placed?</p> <p>6 A. Outside the door of the room that they were</p> <p>7 using.</p> <p>8 Q. And the first was the prayer room, and then</p> <p>9 later it was the carpeted area?</p> <p>10 A. Actually, it was back where the --</p> <p>11 Q. Did I have that backwards?</p> <p>12 A. Yeah, the back -- the carpeted area was first,</p> <p>13 and then the --</p> <p>14 Q. Prayer room?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. What were the other uses, if any, for the</p> <p>17 carpeted area?</p> <p>18 A. In the past it was used, for instance, for</p> <p>19 teaching like Arabic or teaching reading or teaching --</p> <p>20 let's see -- anyway, small groups of -- for instruction.</p> <p>21 Q. Was the carpeted area an enclosed area?</p> <p>22 A. No, it wasn't.</p> <p>23 Q. Okay. So where were the shoes put for the</p> <p>24 carpeted area?</p> <p>25 A. On the edge of the carpet.</p>	<p>1 touch the ground, and they kind of kiss the -- it's not a</p> <p>2 sanitary thing to be kissing a rug where people have been</p> <p>3 walking --</p> <p>4 Q. Sure.</p> <p>5 A. -- in shoes from outside.</p> <p>6 Q. So you saw somebody with shoes on?</p> <p>7 A. Yeah. And I just said, the rule is you're not</p> <p>8 supposed to have your shoes on there.</p> <p>9 Q. Was it a teacher or staff member?</p> <p>10 A. It probably wouldn't be a teacher or staff</p> <p>11 member. It'd be somebody else who wasn't aware of that</p> <p>12 policy.</p> <p>13 Q. And you're the one who approached them and said,</p> <p>14 hey, we don't wear shoes on here?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Where did you learn that you didn't wear</p> <p>17 shoes because -- for sanitary reasons?</p> <p>18 A. Someone must have told me.</p> <p>19 Q. You don't recall who?</p> <p>20 A. No.</p> <p>21 Q. How about the prayer area, have you seen other</p> <p>22 instances where children or anybody has worn shoes in the</p> <p>23 prayer area --</p> <p>24 A. I don't think so.</p> <p>25 Q. -- prayer room? Sorry.</p>

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<p>1 certain times in the year when you pray. You'd pray at</p> <p>2 different times depending on the -- the light, I think it</p> <p>3 is.</p> <p>4 Q. Okay.</p> <p>5 <b>A. Yeah.</b></p> <p>6 Q. And your understanding it just wasn't necessary</p> <p>7 this year for the two prayers?</p> <p>8 <b>A. I think it was the season of the year in which</b></p> <p>9 <b>you didn't pray a second time during the --</b></p> <p>10 Q. Okay.</p> <p>11 <b>A. -- during the time school was on.</b></p> <p>12 Q. And to make sure I'm on the right page.</p> <p>13 This year the only time you were involved</p> <p>14 with the prayers would be from March on?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Okay.</p> <p>17 <b>A. Except I took -- I escorted them to Friday</b></p> <p>18 <b>prayer.</b></p> <p>19 Q. On Fridays there was only one prayer, and it was</p> <p>20 the Friday prayer?</p> <p>21 <b>A. Yes, I think so.</b></p> <p>22 Q. Was that true the whole time you were there?</p> <p>23 <b>A. I think so, yeah.</b></p> <p>24 Q. Now, I previously asked you discipline issues</p> <p>25 back in the '04-to-'06 time frame. Let's move ahead to</p>	<p>1 <b>last few years, it was in a different place before.</b></p> <p>2 Q. What was it before?</p> <p>3 <b>A. A little room. It was kind of in the middle</b></p> <p>4 <b>school hall.</b></p> <p>5 Q. Who, if anybody, manned it then?</p> <p>6 <b>A. It was a woman named Sister Saira or Saira.</b></p> <p>7 <b>Her name was Saira. I -- I can't think of</b></p> <p>8 <b>her last name.</b></p> <p>9 Q. Saira?</p> <p>10 <b>A. S-A-I-R-A.</b></p> <p>11 Q. Okay. Did she have another position at the</p> <p>12 school?</p> <p>13 <b>A. I think -- well, she was the reflection room</b></p> <p>14 <b>teacher the second year, but I'm trying to think what she</b></p> <p>15 <b>was before. I think she must have -- oh, I -- I'm not</b></p> <p>16 <b>sure. She might have been the business -- I think she</b></p> <p>17 <b>was business manager, but I'm not sure about that.</b></p> <p>18 Q. Was the reflection room manned at all times?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. Were there students in there at all times?</p> <p>21 <b>A. Not necessarily.</b></p> <p>22 Q. What was the purpose of the room when students</p> <p>23 weren't in there?</p> <p>24 <b>A. It just was empty. It was a very -- extremely</b></p> <p>25 <b>small room.</b></p>
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<p>1 the -- when you were in the seventh and sixth grades.</p> <p>2 Did you ever encounter discipline problems</p> <p>3 at either the daily prayer or the Friday prayer?</p> <p>4 <b>A. There was some -- yeah, there were discipline</b></p> <p>5 <b>problems at the daily -- daily -- Friday prayer.</b></p> <p>6 Q. The Friday prayer?</p> <p>7 <b>A. Yeah.</b></p> <p>8 Q. How about at the daily prayer?</p> <p>9 <b>A. Occasionally, but not often.</b></p> <p>10 Q. Well, starting with Friday prayer, what would</p> <p>11 you do if there was a discipline problem?</p> <p>12 <b>A. If a child is misbehaving during Friday prayer,</b></p> <p>13 <b>the child was sent to the reflection room.</b></p> <p>14 Q. And who would do that?</p> <p>15 <b>A. The teacher who saw whatever had happened --</b></p> <p>16 Q. Okay.</p> <p>17 <b>A. -- or aide.</b></p> <p>18 Q. Okay. Did you ever have to send any children to</p> <p>19 the reflection room because of disciplinary issues during</p> <p>20 Friday prayer?</p> <p>21 <b>A. I don't think I did, no.</b></p> <p>22 Q. It was the Friday prayer still in the library --</p> <p>23 or I'm sorry -- the reflection room still in the library</p> <p>24 at that point?</p> <p>25 <b>A. Yes. It's always been there. Oh, since the</b></p>	<p>1 Q. Okay. But it's your understanding that there</p> <p>2 was a teacher in there at all times or a staff member in</p> <p>3 there at all times?</p> <p>4 <b>A. Well, for instance, now the person is Mohammed,</b></p> <p>5 <b>who's in the reflection room --</b></p> <p>6 Q. Yes.</p> <p>7 <b>A. -- has a lunch period. And so during the time</b></p> <p>8 <b>that he's at his lunch, there wouldn't be anybody there.</b></p> <p>9 Q. Somebody doesn't come in and man it?</p> <p>10 <b>A. No.</b></p> <p>11 Q. But when Saira --</p> <p>12 <b>A. Saira.</b></p> <p>13 Q. -- was in the separate room, that's where she</p> <p>14 worked out of was that room?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. At all times?</p> <p>17 <b>A. As far as I know, yeah.</b></p> <p>18 Q. Of course, she probably had a lunch, as well?</p> <p>19 <b>A. I'm sure she must have had a lunch.</b></p> <p>20 Q. Okay. For the daily prayers, during your tenure</p> <p>21 at TiZA any year, I think you've said that the only</p> <p>22 people in the room were the students; is that right?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. I mean --</p> <p>25 <b>A. Yes.</b></p>

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<p>1 difference?</p> <p>2 <b>A. No.</b></p> <p>3 Q. Do you know why there was a difference?</p> <p>4 <b>A. I believe that Muslim women are required to</b></p> <p>5 <b>cover their arms.</b></p> <p>6 Q. Where did you get that belief?</p> <p>7 <b>A. Just from talking to people that -- I think</b></p> <p>8 <b>that's part of the Muslim --</b></p> <p>9 Q. Did that dress --</p> <p>10 <b>A. -- belief.</b></p> <p>11 Q. Oh, go ahead. I'm sorry?</p> <p>12 <b>A. I said belief. I'm sorry. Muslim belief.</b></p> <p>13 Q. Did what we discussed as a dress code change in</p> <p>14 the six years you've been at TiZA?</p> <p>15 <b>A. I think that the uniform for the middle school,</b></p> <p>16 <b>I think was changed. Well, actually, there wasn't a</b></p> <p>17 <b>middle school, and so I think that they had a</b></p> <p>18 <b>different -- different sort of -- their uniform was</b></p> <p>19 <b>somewhat different than the lower grades.</b></p> <p>20 Q. Do you know how it was different?</p> <p>21 <b>A. Well, I think it was like a blue -- sort of like</b></p> <p>22 <b>a tunic, and I'm not sure about how it was different from</b></p> <p>23 <b>the lower grades.</b></p> <p>24 Q. Okay. All right. As you have been testifying</p> <p>25 today, you have used the term "Sister" and "Brother" to</p>	<p>1 <b>A. I would say -- you mean as far as children</b></p> <p>2 <b>referring to them?</b></p> <p>3 Q. Yes.</p> <p>4 <b>A. I would say many -- many of the teachers are</b></p> <p>5 <b>referred to as Brother or Sister.</b></p> <p>6 Q. Are non-Muslim teachers referred to as Brother</p> <p>7 or Sister?</p> <p>8 <b>A. Well, sometimes people would say to me -- my</b></p> <p>9 <b>first name is Moira -- Sister Moira, so once you got use</b></p> <p>10 <b>to saying Sister all the time, it kind of slips out.</b></p> <p>11 Q. So when you use the term "Brother" or "Sister,"</p> <p>12 it's always with the first name?</p> <p>13 <b>A. You could say Brother or Sister without saying</b></p> <p>14 <b>the person's name.</b></p> <p>15 Q. No, that's not what I mean.</p> <p>16 What I mean is it's always Sister Moira</p> <p>17 versus Sister Fahey?</p> <p>18 <b>A. Yeah, I think it's the first name.</b></p> <p>19 Q. Okay. How did you refer to other teachers?</p> <p>20 <b>A. It depended.</b></p> <p>21 <b>If they were younger than I was, which</b></p> <p>22 <b>almost every -- I'm sure everyone was, but sometimes I</b></p> <p>23 <b>used it kind of like as respect, and that people that, I</b></p> <p>24 <b>don't know, I -- I called some people Sister and some</b></p> <p>25 <b>people Brother, and some people I didn't.</b></p>
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<p>1 refer to some individuals.</p> <p>2 How were you referred to at TiZA?</p> <p>3 <b>A. Ms. Fahey.</b></p> <p>4 Q. Ms. Fahey?</p> <p>5 <b>A. Uh-huh.</b></p> <p>6 Q. Were you asked how you would like to be referred</p> <p>7 to?</p> <p>8 <b>A. I don't think so.</b></p> <p>9 Q. How were you asked -- for example, your</p> <p>10 co-teacher, Reem, how did you refer to her?</p> <p>11 <b>A. I always called her Reem.</b></p> <p>12 Q. How did the children refer to her?</p> <p>13 <b>A. They called her Sister Reem.</b></p> <p>14 Q. Do you know if she asked the children to call</p> <p>15 her that?</p> <p>16 <b>A. She made a decision whether or not she wanted to</b></p> <p>17 <b>be called Sister Reem or any -- Ms. Elbessi. So she</b></p> <p>18 <b>had -- she was deciding which way she would like to be</b></p> <p>19 <b>referred to, yes.</b></p> <p>20 Q. Okay. And is that decision made, I suppose, at</p> <p>21 the beginning of the class year?</p> <p>22 <b>A. I think so because it's hard to change once</b></p> <p>23 <b>you've gotten used to calling someone something.</b></p> <p>24 Q. How many of the teachers, if you know, go by the</p> <p>25 term "Brother" or "Sister"?</p>	<p>1 Q. If they were younger?</p> <p>2 <b>A. Everyone was younger, so I don't know. I</b></p> <p>3 <b>just -- I don't know. I just got in the habit of calling</b></p> <p>4 <b>some people one thing and some people another thing,</b></p> <p>5 <b>so...</b></p> <p>6 Q. Okay. Did you make a distinction in your mind</p> <p>7 who you were calling one and who you were calling the</p> <p>8 other?</p> <p>9 <b>A. Well, some people I call by their first name,</b></p> <p>10 <b>like -- and I wouldn't say -- if people are friends, I</b></p> <p>11 <b>would most likely call them by their first name, and --</b></p> <p>12 <b>anyway -- and in front of the children I think I would</b></p> <p>13 <b>say Sister or Brother, but...</b></p> <p>14 Q. Okay. How did you learn to call individuals</p> <p>15 Sister or Brother?</p> <p>16 <b>A. Because I heard them being referred to by that</b></p> <p>17 <b>term.</b></p> <p>18 Q. Did you have any discussions with anybody about</p> <p>19 why they were being referred to by that term?</p> <p>20 <b>A. No, I don't -- I don't think I ever had a</b></p> <p>21 <b>discussion with anybody.</b></p> <p>22 Q. Did any particular individuals ask you to call</p> <p>23 them Sister or Brother?</p> <p>24 <b>A. No.</b></p> <p>25 Q. How did you refer to school administration?</p>

## **EXHIBIT 6**

to the Declaration of Shamus P. O'Meara



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<p>1 UNITED STATES DISTRICT COURT</p> <p>2 DISTRICT OF MINNESOTA</p> <p>3</p> <p>4</p> <p>5 Court File No. 09-cv-00138</p> <p>6</p> <p>7 AMERICAN CIVIL LIBERTIES UNION OF</p> <p>8 MINNESOTA,</p> <p>9 Plaintiff,</p> <p>10 vs.</p> <p>11 TAREK IBN ZIYAD ACADEMY, et al.,</p> <p>12 Defendants.</p> <p>13</p> <p>14</p> <p>15</p> <p>16 CONFIDENTIAL 30(b)(6) DEPOSITION OF MINNESOTA</p> <p>17 EDUCATION TRUST AND</p> <p>18 DR. ASIF RAHMAN IN HIS INDIVIDUAL CAPACITY</p> <p>19 Taken on Wednesday, September 22nd, 2010</p> <p>20 Scheduled for 9:00 a.m.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 REPORTED BY: Dana S. Anderson-Linnell</p>			<p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Defendants Tarek ibn Ziyad Academy,</p> <p>4 Asad Zaman, Asif Rahman, Mahrous Kandil, Mona</p> <p>5 Elnahrawy, Moira Fahey and Mohamed Farid:</p> <p>6 Mark R. Azman, Esquire</p> <p>7 JOHNSON &amp; CONDON</p> <p>8 7401 Metro Boulevard, Suite 600</p> <p>9 Minneapolis, MN 55439-3034</p> <p>10 Phone: 952.831.6544</p> <p>11 Email: mra@johnson-condon.com</p> <p>12</p> <p>13</p> <p>14 On Behalf of Defendant Commissioner of Education:</p> <p>15 Tamar Gronvall, Esquire</p> <p>16 MINNESOTA ATTORNEY GENERAL'S OFFICE</p> <p>17 445 Minnesota Street, Suite 900</p> <p>18 St. Paul, MN 55101</p> <p>19 Phone: 651.297.5934</p> <p>20 Email: tamar.gronvall@state.mn.us</p> <p>21</p> <p>22</p> <p>23 (Appearances continued on the next page.)</p> <p>24</p> <p>25</p>
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<p>1 CONFIDENTIAL 30(b)(6) DEPOSITION OF MINNESOTA</p> <p>2 EDUCATION TRUST AND DR. ASIF RAHMAN IN HIS</p> <p>3 INDIVIDUAL CAPACITY taken on September 22, 2010,</p> <p>4 commencing at 9:04 a.m. at the offices of Dorsey and</p> <p>5 Whitney, 50 South Sixth Street, Suite 1500,</p> <p>6 Minneapolis, Minnesota before</p> <p>7 Dana S. Anderson-Linnell, a Notary Public in and of</p> <p>8 the State of Minnesota.</p> <p>9 *****</p> <p>10</p> <p>11 APPEARANCES</p> <p>12</p> <p>13 On Behalf of Plaintiff American Civil Liberties</p> <p>14 Union of Minnesota:</p> <p>15 Peter M. Lancaster, Esquire</p> <p>16 DORSEY &amp; WHITNEY</p> <p>17 50 South Sixth Street, Suite 1500</p> <p>18 Minneapolis, MN 55402</p> <p>19 Phone: 612.340.2600</p> <p>20 Email: lancaster.peter@dorsey.com</p> <p>21</p> <p>22</p> <p>23 (Appearances continued on the next page.)</p> <p>24</p> <p>25</p>			<p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Defendant Islamic Relief USA:</p> <p>4 Sarah E. Bushnell, Esquire</p> <p>5 KELLY &amp; BERENS, P.A.</p> <p>6 3720 IDS Center</p> <p>7 Minneapolis, MN 55402</p> <p>8 Phone: 612.349.6171</p> <p>9 Email: sbushnell@kellyandberens.com</p> <p>10</p> <p>11</p> <p>12 On Behalf of Minnesota Education Trust (MET):</p> <p>13 Benjamin P. Loetscher, Esquire</p> <p>14 FERDINAND F. PETERS LAW OFFICES</p> <p>15 Lakes &amp; Plains Office Building</p> <p>16 842 Raymond Avenue, Suite 200</p> <p>17 St. Paul, MN 55114</p> <p>18 Phone: 651.647.6250</p> <p>19 Email: bloetscher@gmail.com</p> <p>20</p> <p>21 ALSO PRESENT: Asad Zaman and Magdy Rabeaa</p> <p>22</p> <p>23 NOTE: The original transcript will be filed with</p> <p>24 the Dorsey and Whitney Law Firm, pursuant to the</p> <p>25 applicable Rules of Civil Procedure.</p>

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09:09:51	1 a form, he can probably do better than I can.	09:11:45	1 Q. You're not aware of any MET business that
09:09:52	2 BY MR. LANCASTER:	09:11:48	2 Mr. Zaman conducted without your involvement,
09:09:52	3 Q. And whether you call it fill out a form or	09:11:50	3 that's your testimony?
09:09:55	4 prepare a financial statement, Mr. Zaman has	09:11:51	4 MR. LOETSCHER: Objection, vague.
09:09:57	5 greater ability to do that with respect to MET	09:11:53	5 THE WITNESS: He has been involved
09:09:59	6 than you do, correct?	09:11:55	6 in MET business maybe dealing with Wayne and
09:10:01	7 <b>A. He has greater ability to formulate a</b>	09:11:59	7 some legal matters that I was not directly
09:10:03	8 <b>financial statement, period.</b>	09:12:03	8 involved with, yes.
09:10:05	9 Q. And he has, in fact, formulated MET	09:12:05	9 BY MR. LANCASTER:
09:10:08	10 financial statements, correct?	09:12:06	10 Q. Tell me what you did to prepare yourself
09:10:10	11 MR. LOETSCHER: Objection, lack of	09:12:10	11 to testify about financial matters that at
09:10:18	12 foundation.	09:12:13	12 least the organization's accountants and
09:10:18	13 THE WITNESS: Well, our financial	09:12:17	13 auditors know more about than you do.
09:10:20	14 statements are produced by our auditor and by	09:12:20	14 <b>A. I reviewed them and then basically</b>
09:10:24	15 our accountants.	09:12:23	15 <b>reviewed the auditor's reports and the 990s.</b>
09:10:26	16 BY MR. LANCASTER:	09:12:27	16 Q. Did you make any effort to talk to any
09:10:26	17 Q. My question to you was: Isn't it true	09:12:33	17 accountants for MET to get a better
09:10:29	18 that Mr. Zaman has produced MET financial	09:12:36	18 understanding of the financial statements?
09:10:33	19 statements?	09:12:38	19 <b>A. I met with Vernice and had a generic</b>
09:10:34	20 <b>A. Not that I'm aware of.</b>	09:12:44	20 <b>conversation. I discussed some issues that I</b>
09:10:36	21 Q. And so even if Mr. Zaman has testified	09:12:47	21 <b>found out from my last deposition that we need</b>
09:10:39	22 that he produced MET financial statements, you	09:12:50	22 <b>to straighten out. I did not talk specifics</b>
09:10:42	23 deny that?	09:12:56	23 <b>about, you know, the financial statements</b>
09:10:42	24 <b>A. I deny that -- I'm not aware that he has</b>	09:13:02	24 <b>themselves.</b>
09:10:47	25 <b>produced financial statements for MET.</b>	09:13:02	25 Q. Did you talk to Vernice about anything
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09:10:49	1 Q. So you as the president of the	09:13:07	1 that would help you prepare for this deposition
09:10:51	2 organization don't know whether Mr. Zaman	09:13:09	2 here today?
09:10:53	3 produced financial statements for the	09:13:10	3 <b>A. No, nothing that would help me for this</b>
09:10:54	4 organization or not?	09:13:15	4 <b>deposition.</b>
09:10:55	5 MR. LOETSCHER: Objection,	09:13:16	5 Q. Did you talk to the organization's
09:10:56	6 misrepresents the testimony.	09:13:19	6 auditors to learn anything that would help you
09:11:00	7 THE WITNESS: The financial	09:13:22	7 prepare for the deposition here today?
09:11:01	8 statements that we have are produced by our	09:13:24	8 <b>A. No, I did not talk to the organization's</b>
09:11:03	9 accountant.	09:13:26	9 <b>auditor for the deposition.</b>
09:11:03	10 BY MR. LANCASTER:	09:13:37	10 Q. Please look at Exhibit 446.
09:11:04	11 Q. Please listen to my question, Dr. Rahman.	09:13:50	11 (Exhibit Number 446 marked for
09:11:07	12 Are you unaware of whether Mr. Zaman	09:13:50	12 identification.)
09:11:10	13 produced financial statements for MET or not?	09:13:50	13 THE WITNESS: (Reviews document.)
09:11:14	14 <b>A. Is there any particular form that you</b>	09:13:50	14 BY MR. LANCASTER:
09:11:18	15 <b>have? If you want to show me and I can talk</b>	09:13:56	15 Q. Exhibit 446 is a subpoena to MET to
09:11:20	16 <b>about if it was produced -- by who it was</b>	09:14:02	16 produce 11 categories of documents. That's the
09:11:21	17 <b>produced by. I mean, it's a generic question.</b>	09:14:07	17 last two pages of this document.
09:11:22	18 <b>I'm not aware of any form that he has produced</b>	09:14:08	18 Have you seen this document?
09:11:25	19 <b>for MET.</b>	09:14:10	19 <b>A. Yes, I have seen this document.</b>
09:11:26	20 Q. There is a fair amount of MET business	09:14:29	20 Q. And what role did you play in gathering
09:11:37	21 that Mr. Zaman conducted without your	09:14:35	21 together the documents that were requested from
09:11:41	22 involvement, isn't there?	09:14:37	22 MET?
09:11:42	23 MR. LOETSCHER: Objection, vague.	09:14:39	23 MR. LOETSCHER: And I just need to
09:11:43	24 THE WITNESS: Not that I'm aware of.	09:14:41	24 object here that MET objected to this subpoena
09:11:45	25 BY MR. LANCASTER:	09:14:45	25 and met and conferred with counsel for Dorsey.

Asif Rahman, 8/3/2010

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<p>1 <b>you know, during the purchase agreement, during the</b>  2 <b>agreements, you know, contracts. There'd be some</b>  3 <b>different files.</b>  4 Q. What would the files be besides the contract  5 file?  6 <b>A. The bank statements. They'd have their own file</b>  7 <b>and so forth.</b>  8 Q. And what other files would there be?  9 Contracts, bank statements, what else?  10 <b>A. Anything for the accountant. There's a section</b>  11 <b>for that, too.</b>  12 Q. Any other files?  13 <b>A. No, not that I recall any other files.</b>  14 <b>(Exhibit No. 242 marked.)</b>  15 Q. Please look at Exhibit 242. Exhibit 242 is a  16 collection of documents that we tried to pull together  17 that reflect the members meetings at TiZA.  18 If you look at the members meeting for  19 March 8, 2008, it's indicated that you're going to be  20 added as a member in the fourth bullet point.  21 Do you see that?  22 <b>A. Yes, I see that.</b>  23 Q. Is that consistent with your recollection that  24 that's when you became a member of TiZA?  25 <b>A. Correct.</b></p>	<p>1 Q. And you obviously agreed to do that?  2 <b>A. Yes, I did.</b>  3 Q. Did he tell you why he thought that you were the  4 appropriate person for it?  5 <b>A. Do you remember what year that was that I filled</b>  6 <b>out that review?</b>  7 Q. Sure, I'll give it to you.  8 Please look at what we'll mark as Exhibit  9 243.  10 (Exhibit No. 243 marked.)  11 <b>A. I don't recall him giving me any specifics why</b>  12 <b>he asked me, but he just asked me, and I accepted.</b>  13 Q. And you provided a positive review of  14 Mr. Zaman's work?  15 <b>A. Yes. I think he had done a good job steering</b>  16 <b>the school and improving the test scores and increasing</b>  17 <b>enrollment and having a fair amount of success.</b>  18 Q. What other positions have you held with respect  19 to TiZA, besides member/trustee and evaluator of  20 Mr. Zaman?  21 <b>A. And then the disbursement officer?</b>  22 Q. Yes.  23 <b>A. When I was a parent, I volunteered, you know,</b>  24 <b>for, you know, school carnivals and so forth.</b>  25 Q. Did you ever volunteer to help with the prayer</p>
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<p>1 Q. And your understanding is that member and  2 trustee are synonymous at TiZA?  3 <b>A. Correct.</b>  4 Q. Were you present at this meeting?  5 <b>A. Correct.</b>  6 Q. Who told you that you were going to become a  7 member of TiZA?  8 <b>A. Someone asked me if I'd like to be at that time</b>  9 <b>a trustee of TiZA.</b>  10 Q. Who was that?  11 <b>A. I believe it was Asad Zaman. He asked me if I</b>  12 <b>wanted to be a trustee of TiZA.</b>  13 Q. And you remain a trustee of TiZA to date, right?  14 <b>A. Correct.</b>  15 Q. Did there come a point that you were asked to  16 evaluate the work of Asad Zaman at TiZA?  17 <b>A. Wayne and myself, yes, one year I believe we</b>  18 <b>reviewed the performance of Asad Zaman at TiZA.</b>  19 Q. And did -- strike that.  20 Who was it that told you that you were  21 going to have that job?  22 <b>A. Wayne had asked me if I'd like to with him do an</b>  23 <b>evaluation of Asad Zaman. I think -- I don't know if it</b>  24 <b>was part of the responsibilities, but he asked me if I'd</b>  25 <b>like to do that.</b></p>	<p>1 sessions at the school?  2 <b>A. No, I don't believe I volunteered for the prayer</b>  3 <b>sessions.</b>  4 Q. Did you ever attend school during times that  5 children were praying?  6 <b>A. Yes, I have attended the -- a prayer -- are you</b>  7 <b>referring to a specific prayer? I have attended on the</b>  8 <b>Friday prayer.</b>  9 Q. Okay. By the way, did your child attend the  10 Inver Grove Heights campus?  11 <b>A. Yes, she attended the Inver Grove Heights</b>  12 <b>campus.</b>  13 Q. So have you ever attended any prayer sessions  14 other than the Friday prayer?  15 <b>A. I'm not aware of other prayer sessions.</b>  16 Q. You indicated, I think, that your daughter went  17 for four years; and you told me grades, but maybe I  18 didn't ask you the years.  19 What years were those?  20 <b>A. Let's see...</b>  21 Q. A memory test is a good thing.  22 <b>A. 2003, '5, '6, and '7.</b>  23 Q. Can you estimate for me the number of Friday  24 prayer sessions that you attended during that period of  25 time?</p>

## **EXHIBIT 7**

to the Declaration of Shamus P. O'Meara

**Mohamed Farid, 7/9/2010****Page: 1**

<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT 2 DISTRICT OF MINNESOTA 3 4 5 Court File No. 09-cv-00138 6 7 AMERICAN CIVIL LIBERTIES UNION OF 8 MINNESOTA, 9 Plaintiff, 10 vs. 11 TAREK IBN ZIYAD ACADEMY, et al., 12 Defendants. 13 14 15 16 DEPOSITION OF 17 Mohamed Farid 18 Taken on Thursday, July 9, 2010 19 Scheduled for 8:30 a.m. 20 21 22 23 24 25 REPORTED BY: Dana S. Anderson-Linnell</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (continued): 2 3 On Behalf of Defendants Tarek Ibn Ziyad Academy, 4 Asad Zaman, Asif Rahman, Mahrous Kandil, Mona 5 Elnahrawy, Moira Fahey and Mohamed Farid: 6 Mark R. Azman, Esquire 7 JOHNSON &amp; CONDON 8 7401 Metro Boulevard, Suite 600 9 Minneapolis, MN 55439-3034 10 Phone: 952.831.6544 11 Email: mra@johnson-condon.com 12 13 14 On Behalf of Defendant Islamic Relief USA: 15 Tim Obitts, Esquire 16 GAMMON &amp; GRANGE, P.C. 17 Seventh Floor 18 8280 Greensboro Drive 19 McLean, VA 22102 20 Phone: 703.761.5000 21 Email: tro@gg-law.com 22 23 24 (Appearances continued on the next page.) 25</p>
<p style="text-align: right;">Page 2</p> <p>1 DEPOSITION OF MOHAMED FARID taken on Thursday, 2 July 9th, 2010, commencing at 8:30 a.m. at the 3 offices of Dorsey and Whitney, 50 South Sixth 4 Street, Suite 1500, Minneapolis, Minnesota before 5 Dana S. Anderson-Linnell, a Notary Public in and of 6 the State of Minnesota. 7 ***** 8 9 APPEARANCES 10 11 On Behalf of Plaintiff American Civil Liberties 12 Union of Minnesota: 13 Christopher Amundsen, Esquire 14 Mark D. Wagner, Esquire 15 DORSEY &amp; WHITNEY 16 50 South Sixth Street, Suite 1500 17 Minneapolis, MN 55402 18 Phone: 612.340.2600 19 Email: amundsen.christopher@dorsey.com 20 wagner.mark@dorsey.com 21 22 23 (Appearances continued on the next page.) 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES (continued): 2 3 On Behalf of Defendant Islamic Relief USA: 4 Max Kieleley, Esquire 5 KELLY &amp; BERENS, P.A. 6 80 South Eighth Street, Suite 3720 7 Minneapolis, MN 55402 8 Phone: 612.349.6171 9 Email: mkieleley@kellyandberens.com 10 11 On Behalf of Defendant Commissioner of Education: 12 Kathryn Woodruff, Esquire 13 MINNESOTA ATTORNEY GENERAL'S OFFICE 14 445 Minnesota Street, Suite 900 15 St. Paul, MN 55101 16 Phone: 651.297.5934 17 Email: kathryn.woodruff@state.mn.us 18 19 20 ALSO PRESENT: Asad Zaman, Mahrous Kandil 21 22 23 NOTE: The original transcript will be filed with 24 the Dorsey and Whitney Law Firm, pursuant to the 25 applicable Rules of Civil Procedure.</p>

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<p>1 <b>A. I don't remember.</b></p> <p>2 Q. Have you ever heard anybody say it in</p> <p>3 Arabic before?</p> <p>4 <b>A. I don't know.</b></p> <p>5 Q. So you've never heard anybody say sold</p> <p>6 your iman, sold his iman, sold their iman?</p> <p>7 <b>A. I don't remember. I can't recall.</b></p> <p>8 Q. Mr. Farid, do you know the word</p> <p>9 "Ramadan"?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. What does the word Ramadan mean to you?</p> <p>12 <b>A. Ramadan is the name of a month in Islam,</b></p> <p>13 <b>Islamic calendar.</b></p> <p>14 Q. Which month?</p> <p>15 <b>A. It's the ninth month of the Islamic</b></p> <p>16 <b>calendar.</b></p> <p>17 Q. How many days are in Ramadan the month?</p> <p>18 <b>A. It could be 30 or 29.</b></p> <p>19 Q. Varies from year to year?</p> <p>20 <b>A. It depends.</b></p> <p>21 Q. What does it depend on?</p> <p>22 <b>A. Huh?</b></p> <p>23 Q. What does it depend on?</p> <p>24 <b>A. We don't know, because we use it by the</b></p> <p>25 <b>side of the moon, so it differentiates.</b></p>	<p>1 24 hours of a day?</p> <p>2 <b>A. Say it again.</b></p> <p>3 Q. Do you have to fast for 24 hours every</p> <p>4 day?</p> <p>5 <b>A. No.</b></p> <p>6 Q. For what period of the day do you have</p> <p>7 to fast?</p> <p>8 <b>A. From sunset to sunrise.</b></p> <p>9 Q. You fast from sunset to sunrise?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. So you can eat during the day?</p> <p>12 MR. OBITS: Wait. Ask him the</p> <p>13 question again.</p> <p>14 THE WITNESS: Ask me the question</p> <p>15 again, please.</p> <p>16 BY MR. AMUNDSEN:</p> <p>17 Q. During Ramadan, for what period of the</p> <p>18 day do you fast?</p> <p>19 <b>A. From sunrise to sunset.</b></p> <p>20 Q. So you cannot eat or do any of the other</p> <p>21 things you mentioned from sunrise until sunset</p> <p>22 during Ramadan?</p> <p>23 <b>A. You cannot eat from sunset to sunrise.</b></p> <p>24 MR. AZMAN: No. No.</p> <p>25 BY MR. AMUNDSEN:</p>
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<p>1 Q. Depending on the moon?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. You referred to the Islamic calendar.</p> <p>4 That's a lunar-based calendar?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. What happens during Ramadan, Mr. Farid?</p> <p>7 <b>A. During Ramadan, this is a month where</b></p> <p>8 <b>Muslims are required to fast.</b></p> <p>9 Q. For what period of the day are they</p> <p>10 required to fast? Are they required to fast</p> <p>11 for 30 straight days?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. Can they -- when you say "fast," you</p> <p>14 mean refrain from eating?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Do they refrain from anything else?</p> <p>17 <b>A. From drinks.</b></p> <p>18 Q. Anything else?</p> <p>19 <b>A. From your wife.</b></p> <p>20 Q. Anything else?</p> <p>21 <b>A. From bad words.</b></p> <p>22 Q. Anything else?</p> <p>23 <b>A. From -- you know, anything that troubles</b></p> <p>24 <b>other people.</b></p> <p>25 Q. Do you have to do that for the full</p>	<p>1 Q. From sunrise to sunset. I understand.</p> <p>2 But you can eat after sunset?</p> <p>3 <b>A. After sun sets, you can eat.</b></p> <p>4 Q. Mr. Farid, do you know the word "iftar"?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. What does iftar mean?</p> <p>7 <b>A. Iftar means breaking the fast, eating,</b></p> <p>8 <b>you start eating.</b></p> <p>9 Q. Does iftar happen -- so does that happen</p> <p>10 every day, or is that at the end of Ramadan,</p> <p>11 iftar?</p> <p>12 <b>A. It happens whenever you fast, whenever</b></p> <p>13 <b>you fast and you are breaking your fasting, you</b></p> <p>14 <b>are starting to eat, it's called iftar.</b></p> <p>15 Q. It's called iftar. Okay. So you would</p> <p>16 say every day during Ramadan that your first</p> <p>17 meal of the day after sunset is iftar?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Mr. Farid, you are a board member at</p> <p>20 Tarek ibn Ziyad Academy, correct?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. How long have you been a board member at</p> <p>23 Tarek ibn Ziyad Academy?</p> <p>24 <b>A. Since 2003.</b></p> <p>25 Q. Do you know what date in 2003?</p>

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<p>1 were you referring when you said the founders 2 of TiZA? 3 <b>A. The first people who wrote the idea and 4 worked on it.</b> 5 Q. Who specifically? 6 <b>A. Hesham, Hassan and myself.</b> 7 Q. Would you consider Asad Zaman to be a 8 founder of TiZA? 9 <b>A. Yeah, he joined us.</b> 10 Q. Okay. 11 <b>A. Yeah.</b> 12 Q. Anyone else? 13 <b>A. Founders were -- I remember these four.</b> 14 Q. What about Clareen Menzies? 15 <b>A. Yes, she was.</b> 16 Q. How did you know Clareen Menzies? 17 <b>A. I just came to know her through Hesham.</b> 18 Q. When was the first time you met Clareen 19 Menzies? 20 <b>A. I don't remember.</b> 21 Q. Would it have been before this meeting 22 (indicating)? 23 MR. AZMAN: Which meeting? 24 MR. AMUNDSEN: The meeting -- the 25 minutes we are looking at right now.</p>	<p>1 Q. Did you know Hesham and Hassan before 2 you knew Asad? 3 <b>A. Yes.</b> 4 Q. Do you know how long you knew them 5 before you met Asad? 6 <b>A. Yeah, I knew Hesham and Hassan a number 7 of years previously.</b> 8 Q. When did you first meet Hesham? 9 <b>A. I don't know.</b> 10 Q. Would it have been five years before the 11 meeting? 12 <b>A. I don't remember.</b> 13 Q. Ten years before the meeting? 14 <b>A. No, not ten years.</b> 15 Q. Less than ten years? 16 <b>A. Less than ten years.</b> 17 Q. Less than five years? 18 <b>A. I don't remember.</b> 19 Q. More than five years? 20 <b>A. I don't remember. I know that's the 21 less than three years.</b> 22 Q. And you met Hesham through your mosque? 23 <b>A. Through the Islamic center.</b> 24 Q. The Islamic center? 25 <b>A. Yes.</b></p>
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<p>1 MR. AZMAN: Exhibit 114? 2 MR. AMUNDSEN: Exhibit 114. 3 THE WITNESS: I don't recall. 4 BY MR. AMUNDSEN: 5 Q. Is there anything that would help you 6 recall? 7 <b>A. I don't know. This was a long time. I 8 don't know.</b> 9 Q. Is it possible this meeting was the 10 first time that you ever met Clareen Menzies, 11 Exhibit 114? 12 <b>A. I can't recall that.</b> 13 Q. When did you first meet Asad Zaman? 14 <b>A. The first? It was long time.</b> 15 Q. Was it before the meeting in 16 Exhibit 114? 17 <b>A. This one (indicating)?</b> 18 Q. This one. 19 <b>A. I believe it was before, yes.</b> 20 Q. Do you remember how long before? 21 <b>A. No.</b> 22 Q. Is there anything that would help you 23 remember? 24 <b>A. It was a long time. I cannot recall the 25 times we met and where. I cannot remember.</b></p>	<p>1 Q. Which Islamic center? 2 <b>A. Islamic Center of Minnesota.</b> 3 Q. Does it have any other names, the 4 Islamic Center of Minnesota? 5 <b>A. Yes.</b> 6 Q. Do you call it anything else? 7 <b>A. No. This is what I know.</b> 8 Q. Does anybody call it anything else? 9 MR. OBITS: Object to the form. 10 THE WITNESS: No. I know Islamic 11 Center of Minnesota only. I haven't seen any 12 name, any other name written on it. 13 BY MR. AMUNDSEN: 14 Q. Have you ever seen it referred to as 15 anything else anywhere else on paper, on the 16 internet? 17 <b>A. No.</b> 18 Q. Where is the Islamic Center of 19 Minnesota? 20 <b>A. In Fridley.</b> 21 Q. When did you meet Hassan Mohamud? 22 <b>A. I don't know.</b> 23 Q. Did you meet Hassan Mohamud before you 24 met Hesham? 25 <b>A. I don't remember.</b></p>

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<p>1 <b>A. No.</b></p> <p>2 Q. Did you have the same position the whole</p> <p>3 time at TiZA?</p> <p>4 <b>A. Which one?</b></p> <p>5 Q. The same position while you worked at</p> <p>6 TiZA?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. What was that position?</p> <p>9 <b>A. ESL and community liaison.</b></p> <p>10 Q. You said you worked part-time?</p> <p>11 <b>A. Uh-huh.</b></p> <p>12 Q. Yes, you worked part-time?</p> <p>13 <b>A. Uh-huh. Yes.</b></p> <p>14 Q. What were your hours when you worked at</p> <p>15 TiZA?</p> <p>16 <b>A. Four hours to four hours and a half.</b></p> <p>17 Q. Every day?</p> <p>18 <b>A. No.</b></p> <p>19 Q. Per week?</p> <p>20 <b>A. Per week.</b></p> <p>21 Q. Four and a half hours per week?</p> <p>22 <b>A. At the beginning four, and then -- yeah.</b></p> <p>23 Q. At the beginning four, and then at some</p> <p>24 point you moved to four and a half?</p> <p>25 <b>A. Yeah.</b></p>	<p>1 Q. I want to talk about just your role as</p> <p>2 ESL first, and then we'll talk about your role</p> <p>3 as community liaison second.</p> <p>4 What did you do in your role as an ESL</p> <p>5 teacher?</p> <p>6 <b>A. I help the ESL teacher. And the</b></p> <p>7 <b>department of the ESL school, I advise them</b></p> <p>8 <b>with their curriculums. I discuss issues that</b></p> <p>9 <b>support them. We look into the work of the</b></p> <p>10 <b>students. We analyze the needs of the</b></p> <p>11 <b>students, each student. So I advised them. I</b></p> <p>12 <b>advise them for anything that they bring with</b></p> <p>13 <b>that I can work with them.</b></p> <p>14 Q. Did you keep regular hours then, or did</p> <p>15 you just come in when you were needed?</p> <p>16 <b>A. I did the hours within the week.</b></p> <p>17 Q. So did you decide when you worked at</p> <p>18 TiZA?</p> <p>19 <b>A. Pardon?</b></p> <p>20 Q. Did you decide? You would go when you</p> <p>21 wanted to go?</p> <p>22 <b>A. What do you mean?</b></p> <p>23 Q. Did TiZA, somebody from TiZA's ESL</p> <p>24 department call you when they had a question?</p> <p>25 <b>A. Not necessarily. Sometimes when I have,</b></p>
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<p>1 Q. Do you remember when you moved to four</p> <p>2 and a half?</p> <p>3 <b>A. No, I don't remember.</b></p> <p>4 Q. Were you paid for the work you did at</p> <p>5 TiZA?</p> <p>6 <b>A. Huh? Yes. What's the question?</b></p> <p>7 Q. Were you paid for the work you did at</p> <p>8 TiZA?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. How much were you paid?</p> <p>11 <b>A. Was hourly rate of \$30.</b></p> <p>12 Q. Would you do your four hours or four and</p> <p>13 a half hours all on one day?</p> <p>14 <b>A. Sometimes.</b></p> <p>15 Q. When would you do your four and a half</p> <p>16 hours all in one day?</p> <p>17 <b>A. One day is a long discussion of certain</b></p> <p>18 <b>issues.</b></p> <p>19 Q. Give me an example.</p> <p>20 <b>A. A parent -- for example, parent issues.</b></p> <p>21 <b>We discuss -- we come together. We discuss.</b></p> <p>22 <b>We talk. We stay until we get the resolution.</b></p> <p>23 Q. Was that in your role as ESL, or was</p> <p>24 that in your role as community liaison?</p> <p>25 <b>A. As a community liaison.</b></p>	<p>1 <b>you know, during the weekends I go there and we</b></p> <p>2 <b>have -- I called them sometimes that I am</b></p> <p>3 <b>coming. If I have -- you know, since I'm</b></p> <p>4 <b>working with ESL, if I have something to offer</b></p> <p>5 <b>them, I call them, set up an appointment with</b></p> <p>6 <b>them and work with them.</b></p> <p>7 Q. And sometimes that would be on the</p> <p>8 weekends?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. Did you have an office?</p> <p>11 <b>A. No.</b></p> <p>12 Q. Where would you meet when you would come</p> <p>13 in on weekends?</p> <p>14 <b>A. The office of the ESL department.</b></p> <p>15 Q. Now, does -- TiZA has two campuses,</p> <p>16 correct?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. One is in Inver Grove Heights?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. And one is in Blaine?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. Which campus are we talking about?</p> <p>23 <b>A. Inver Grove Heights.</b></p> <p>24 Q. Did you ever go to the Blaine campus?</p> <p>25 <b>A. For what? Yes.</b></p>



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<p>1 Q. It wasn't broken down by grade level?</p> <p>2 <b>A. What do you mean by that?</b></p> <p>3 Q. You didn't just serve first through</p> <p>4 fourth grade?</p> <p>5 <b>A. No. All. All. I work with them all.</b></p> <p>6 Q. Did anybody else work with you as an</p> <p>7 ESL?</p> <p>8 <b>A. Yes, Magdy.</b></p> <p>9 Q. Magdy?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. When you say Magdy, do you mean Magdy</p> <p>12 Rabea?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. How long have you known Magdy Rabea?</p> <p>15 <b>A. Just when I came into -- through the --</b></p> <p>16 <b>through the school. I came to know him in the</b></p> <p>17 <b>school.</b></p> <p>18 Q. In the school?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. Does Magdy Rabea have a title at TiZA?</p> <p>21 <b>A. ESL.</b></p> <p>22 Q. Does he have any other titles?</p> <p>23 <b>A. Right now? What time are you talking</b></p> <p>24 <b>about?</b></p> <p>25 Q. When you worked at TiZA from 2006</p>	<p>1 <b>A. Well, I was volunteering for setting --</b></p> <p>2 <b>working with ESL and even, you know, and in the</b></p> <p>3 <b>parents work, I used to volunteer them. And I</b></p> <p>4 <b>used to volunteer, work with them whenever they</b></p> <p>5 <b>need me. I used to set up time with them. So</b></p> <p>6 <b>since I was educator, I was always coming</b></p> <p>7 <b>forward to help them with whatever that I can</b></p> <p>8 <b>offer.</b></p> <p>9 Q. So how often would you say you went to</p> <p>10 TiZA when you were a board member and a</p> <p>11 volunteer?</p> <p>12 <b>A. Whenever they need me.</b></p> <p>13 Q. Once a week?</p> <p>14 <b>A. Normally I used to come on the weekends</b></p> <p>15 <b>and especially mostly with the parents at the</b></p> <p>16 <b>beginning, especially that was a lot of work.</b></p> <p>17 Q. What did you do with the parents on the</p> <p>18 weekends?</p> <p>19 <b>A. No, the parents when we go -- when they</b></p> <p>20 <b>have problems with the administration because</b></p> <p>21 <b>of language, mostly it was because of language</b></p> <p>22 <b>problem, then we come to the -- we make an</b></p> <p>23 <b>appointment together in the school, they come</b></p> <p>24 <b>and I come and work out on the issues and we</b></p> <p>25 <b>settled.</b></p>
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<p>1 through last school year --</p> <p>2 <b>A. Uh-huh.</b></p> <p>3 Q. -- did Magdy have any other titles at</p> <p>4 TiZA?</p> <p>5 <b>A. At the beginning he was ESL and later he</b></p> <p>6 <b>became administrator.</b></p> <p>7 Q. When did he become administrator?</p> <p>8 <b>A. The date, I can't figure out the date</b></p> <p>9 <b>right now.</b></p> <p>10 Q. Did he have any other titles at TiZA, as</p> <p>11 far as you know?</p> <p>12 <b>A. Again, the question, please?</b></p> <p>13 Q. Did he have any other titles at TiZA?</p> <p>14 <b>A. I? Me?</b></p> <p>15 Q. Magdy?</p> <p>16 <b>A. Magdy?</b></p> <p>17 Q. Aside from ESL and administrator.</p> <p>18 <b>A. No, I don't remember any other titles.</b></p> <p>19 Q. So before you were employed by TiZA, you</p> <p>20 were just a board member at TiZA, correct?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. When you were just a board member at</p> <p>23 TiZA, did you ever visit TiZA?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. How often?</p>	<p>1 Q. When you say they, do you mean just the</p> <p>2 parents?</p> <p>3 <b>A. The parents and the administration that</b></p> <p>4 <b>they are complaining from.</b></p> <p>5 Q. Now, when we say administration, who are</p> <p>6 we talking about?</p> <p>7 <b>A. Asad.</b></p> <p>8 Q. Asad?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. Hesham?</p> <p>11 <b>A. And Hesham too.</b></p> <p>12 Q. Magdy too once he became administration?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. So Would it be all three of them or both</p> <p>15 of them or one of them?</p> <p>16 <b>A. It depends on who, how can we, you</b></p> <p>17 <b>know --</b></p> <p>18 Q. So, for instance, if there was a problem</p> <p>19 with a parent because of misunderstanding, you</p> <p>20 would meet on -- at TiZA on the weekends?</p> <p>21 <b>A. On the weekends or even I go to them and</b></p> <p>22 <b>see their problems first before we even set up</b></p> <p>23 <b>the meeting with the administration.</b></p> <p>24 Q. And you set up meetings with the</p> <p>25 administration?</p>

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<p>1 <b>A. Yeah.</b></p> <p>2 Q. At the school building?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. On the weekends?</p> <p>5 <b>A. If it's necessary. If I can solve it by</b></p> <p>6 <b>meeting with the parents and listening to the</b></p> <p>7 <b>other -- to the administration and I could</b></p> <p>8 <b>solve these problems easier.</b></p> <p>9 Q. What kind of problems would they have?</p> <p>10 <b>A. You know, they have problems when a</b></p> <p>11 <b>student is suspended, when they apply for the</b></p> <p>12 <b>school and they don't get the part when --</b></p> <p>13 <b>different issues with the students.</b></p> <p>14 Q. Did you serve as a volunteer the whole</p> <p>15 time you were just a board member and not an</p> <p>16 ESL community liaison, so that whole period,</p> <p>17 2003 through 2006?</p> <p>18 <b>A. When -- if they think that I would sit</b></p> <p>19 <b>with the curriculum people when we were</b></p> <p>20 <b>planning. I was part of them whenever I</b></p> <p>21 <b>have -- you know, there is a need for that.</b></p> <p>22 Q. From the beginning?</p> <p>23 <b>A. From the beginning, yes.</b></p> <p>24 Q. When did you decide to name the school</p> <p>25 Tarek ibn Ziyad Academy? When I say you, I</p>	<p>1 <b>beliefs over there. And it came -- when the</b></p> <p>2 <b>name came, then we took it.</b></p> <p>3 Q. Whose idea was it first to name the</p> <p>4 school Tarek ibn Ziyad Academy?</p> <p>5 <b>A. I don't remember.</b></p> <p>6 Q. Was it your idea?</p> <p>7 <b>A. No. I don't remember.</b></p> <p>8 Q. Somebody else's?</p> <p>9 <b>A. It was not mine.</b></p> <p>10 Q. Are you aware that Tarek ibn Ziyad was</p> <p>11 Muslim?</p> <p>12 <b>A. Say it again.</b></p> <p>13 Q. Are you aware that Tarek ibn Ziyad was a</p> <p>14 Muslim?</p> <p>15 <b>A. The person?</b></p> <p>16 Q. Yes, the person.</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. Did you know that when you decided to</p> <p>19 name the school after him?</p> <p>20 <b>A. No. It was -- it has nothing to do with</b></p> <p>21 <b>Islam. When we were discussing, it was just a</b></p> <p>22 <b>leader.</b></p> <p>23 Q. Did you know when you were discussing</p> <p>24 that he was a Muslim?</p> <p>25 <b>A. We didn't think about that.</b></p>
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<p>1 mean the board.</p> <p>2 <b>A. At the beginning.</b></p> <p>3 Q. At the beginning?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. Was that decision made during a board</p> <p>6 meeting?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. Did you take a vote?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. Do you know which board meeting that</p> <p>11 took place at, the date of the board meeting?</p> <p>12 <b>A. I don't remember.</b></p> <p>13 Q. But it would have been at a board</p> <p>14 meeting that happened before the school opened?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Had you accepted any students for</p> <p>17 admission yet when you decided to name the</p> <p>18 school Tarek ibn Ziyad Academy?</p> <p>19 <b>A. I don't remember.</b></p> <p>20 Q. How did you decide to name the school</p> <p>21 Tarek ibn Ziyad Academy?</p> <p>22 <b>A. Well, it's just a name that came in.</b></p> <p>23 <b>This guy was a leader in Spain. And this</b></p> <p>24 <b>leader was -- you know, people living together</b></p> <p>25 <b>in Spain together are respective of their</b></p>	<p>1 Q. Did you know?</p> <p>2 <b>A. At that time?</b></p> <p>3 Q. Yes.</p> <p>4 <b>A. We didn't bring any his beliefs. Nobody</b></p> <p>5 <b>has talked about it.</b></p> <p>6 Q. Did you know that he was a Muslim when</p> <p>7 you decided to name the school after him?</p> <p>8 <b>A. What do you mean did you know? What is</b></p> <p>9 <b>your question?</b></p> <p>10 Q. Did you know Tarek ibn Ziyad was Muslim</p> <p>11 when you named the school after him?</p> <p>12 <b>A. At the time we were discussing his name,</b></p> <p>13 <b>the word -- what he believed or Islam didn't</b></p> <p>14 <b>come into our discussion.</b></p> <p>15 Q. That's not what I am asking, Mr. Farid.</p> <p>16 I'm asking whether you knew he was Muslim or</p> <p>17 not?</p> <p>18 <b>A. Well, I answered the question. This guy</b></p> <p>19 <b>is history. And I heard that he was a Muslim.</b></p> <p>20 <b>And I knew that much. But when we were</b></p> <p>21 <b>discussing the name for the school, we were not</b></p> <p>22 <b>thinking about Islam, not about --</b></p> <p>23 Q. But you knew at the time?</p> <p>24 MR. AZMAN: Asked and answered.</p> <p>25 One more time you can answer.</p>

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<p>1 <b>A. Okay. This letter is talking about a</b>  2 <b>video that was shown to the students from the</b>  3 <b>last hour of the school and it's talking about</b>  4 <b>religious story.</b>  5 Q. In the video?  6 <b>A. In the video.</b>  7 Q. During class time?  8 <b>A. That's what the letter says.</b>  9 Q. Did you ever hear about this incident,  10 Mr. Farid?  11 <b>A. No.</b>  12 Q. Nobody ever told you?  13 <b>A. No.</b>  14 Q. Asad Zaman did not tell the board about  15 this incident?  16 <b>A. This incident, I don't remember.</b>  17 Q. Does this incident -- is this incident  18 something that you would have liked to have  19 known about?  20 <b>A. Yes.</b>  21 Q. If you had known about this incident, is  22 it the kind of thing you would have approved  23 of? Do you approve of what happened in this  24 incident?  25 MR. AZMAN: I'll object as it</p>	<p>1 is an allegation, not a fact. Assumes facts  2 that are not in evidence.  3 You can answer.  4 THE WITNESS: You know, this letter,  5 I just see it now. If it's a fact, we need to  6 correct ourselves.  7 BY MR. AMUNDSEN:  8 Q. Okay.  9 MR. AMUNDSEN: Let's go off the  10 record for two minutes.  11 (Off the record.)  12 BY MR. AMUNDSEN:  13 Q. Mr. Farid, earlier you testified that  14 one of your duties as a board member was to  15 oversee the policies that TiZA implemented, is  16 that, correct --  17 <b>A. Yeah, we --</b>  18 Q. -- discuss the policies?  19 <b>A. Yeah, we -- our role is to set up the</b>  20 <b>policies.</b>  21 Q. Set up the policies?  22 <b>A. Yes.</b>  23 Q. I'd like to talk to you about your role  24 in setting up the dress code policy.  25 <b>A. Yes.</b></p>
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<p>1 assumes the incident occurred. It's an  2 allegation in this letter, not a fact.  3 BY MR. AMUNDSEN:  4 Q. You can answer.  5 <b>A. What's your question?</b>  6 Q. Do you approve of a religious video  7 being played in class to students during school  8 time?  9 <b>A. No, I don't approve.</b>  10 Q. Why don't you approve?  11 <b>A. Because of the separation of religion</b>  12 <b>and the state, the laws.</b>  13 Q. What about those laws would make you  14 disapprove?  15 <b>A. Say it please --</b>  16 Q. What is it that you understand about  17 those laws that makes you disapprove if  18 something like this happened?  19 <b>A. Well, the law says when we are running a</b>  20 <b>public school, that religion is not -- has not</b>  21 <b>to be in the curriculum.</b>  22 Q. So this is an inappropriate thing to do  23 in school?  24 MR. AZMAN: I'm going to object as  25 vague. You're talking about this. The letter</p>	<p>1 Q. Do you understand TiZA to have a dress  2 code?  3 <b>A. Yes.</b>  4 Q. When did TiZA first have a dress code?  5 <b>A. Well, from the beginning we talk about</b>  6 <b>it.</b>  7 Q. From the beginning TiZA had a dress  8 code?  9 <b>A. No, we talked about it. I don't know --</b>  10 <b>I don't remember exactly when we implemented.</b>  11 <b>But we talked about dress codes and we</b>  12 <b>implemented it. But I don't know exact date.</b>  13 Q. How did you choose TiZA's dress code?  14 MR. AZMAN: For students or staff?  15 MR. AMUNDSEN: For students.  16 THE WITNESS: As far as I know,  17 parents feedback was the basis of the dress  18 codes.  19 BY MR. AMUNDSEN:  20 Q. Did you speak to parents about the dress  21 code?  22 <b>A. Yes.</b>  23 Q. You did? How many parents did you speak  24 to about the dress code?  25 <b>A. Myself?</b></p>

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<p>1 Q. You personally.</p> <p>2 <b>A. Me personally, no.</b></p> <p>3 Q. Who did, do you know?</p> <p>4 <b>A. The administration of dress code, we</b></p> <p>5 <b>left them to contact the parents. We decided</b></p> <p>6 <b>that we have dress code. And after that, the</b></p> <p>7 <b>administration of the school would contact the</b></p> <p>8 <b>parents and we'll see what the parents will</b></p> <p>9 <b>bring as a feedback.</b></p> <p>10 Q. How did the administration contact the</p> <p>11 parents? Did they call them?</p> <p>12 <b>A. I don't know that much.</b></p> <p>13 Q. Did they write them letters?</p> <p>14 <b>A. I don't know how they did.</b></p> <p>15 Q. They didn't tell you?</p> <p>16 <b>A. They told us that the parents they</b></p> <p>17 <b>contacted.</b></p> <p>18 Q. But they didn't tell you how?</p> <p>19 <b>A. How, I don't know. I don't remember</b></p> <p>20 <b>exactly, even if they...</b></p> <p>21 Q. Do you know how many parents they</p> <p>22 contacted?</p> <p>23 <b>A. No. No.</b></p> <p>24 Q. Do you know if they tried to contact all</p> <p>25 the parents?</p>	<p>1 <b>A. Well, the whole culture, whether you</b></p> <p>2 <b>are -- you believe this or this, all together.</b></p> <p>3 Q. What is that based on?</p> <p>4 <b>A. Based on the traditions, the people, how</b></p> <p>5 <b>you look among the people.</b></p> <p>6 Q. Is it based on Islam?</p> <p>7 <b>A. Not necessarily.</b></p> <p>8 Q. What else is it based on?</p> <p>9 <b>A. It's based on how you -- when you come</b></p> <p>10 <b>to the community how you look.</b></p> <p>11 Q. Can it be based on Islam?</p> <p>12 <b>A. For example, if you go to Somalia, you</b></p> <p>13 <b>will see people who are wearing what we call,</b></p> <p>14 <b>you know, a sheet here (indicating) and they</b></p> <p>15 <b>have -- it's a different style.</b></p> <p>16 Q. Could it be based on Islam?</p> <p>17 <b>A. You know, the culture is for all of</b></p> <p>18 <b>them. There are non-Muslims who dress the same</b></p> <p>19 <b>way.</b></p> <p>20 Q. Could a dress code like that -- I'm</p> <p>21 sorry. Strike that.</p> <p>22 Could people in Somalia dress in a</p> <p>23 particular way because of Islam?</p> <p>24 <b>A. Well, Somalis who are Muslims and</b></p> <p>25 <b>non-Muslims when it comes to the culture and</b></p>
Page 182	Page 184
<p>1 <b>A. I believe they told us -- that</b></p> <p>2 <b>administration told us, you know, the majority</b></p> <p>3 <b>of the parents.</b></p> <p>4 Q. And what did they say that the parents</p> <p>5 wanted?</p> <p>6 <b>A. They describe it certain ways, cultural</b></p> <p>7 <b>ways for dressing.</b></p> <p>8 Q. Which ways? Give me some specifics,</p> <p>9 please. What did they describe?</p> <p>10 <b>A. The ways you have in the (indicating) --</b></p> <p>11 <b>in the --</b></p> <p>12 Q. Which part of the dress code is</p> <p>13 cultural?</p> <p>14 <b>A. Long dresses. Normally like the Somali</b></p> <p>15 <b>way of dressing is an example that I know. We</b></p> <p>16 <b>take long dresses. The boys have to cover some</b></p> <p>17 <b>of their bodies and the girls too, not for</b></p> <p>18 <b>religious purposes, but for cultural, the</b></p> <p>19 <b>way --</b></p> <p>20 Q. Which culture?</p> <p>21 <b>A. Somali culture.</b></p> <p>22 Q. Somali culture?</p> <p>23 <b>A. Uh-huh.</b></p> <p>24 Q. What part of Somali culture requires</p> <p>25 that people cover their bodies?</p>	<p>1 <b>how they look among the people, they are the</b></p> <p>2 <b>same. So we don't judge who is who. I cannot</b></p> <p>3 <b>differentiate between Muslim person and the</b></p> <p>4 <b>other person because of their dress. I cannot</b></p> <p>5 <b>differentiate.</b></p> <p>6 Q. Does Islam have rules about what kinds</p> <p>7 of dress you are supposed to wear?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. What are those rules, as far as you</p> <p>10 know?</p> <p>11 <b>A. Well, women take what we call hijab,</b></p> <p>12 <b>they cover all their body. And men have to</b></p> <p>13 <b>cover, you know, certain parts of their body.</b></p> <p>14 Q. So did you have one meeting where you</p> <p>15 discussed the dress code?</p> <p>16 <b>A. I don't know how many meetings that we</b></p> <p>17 <b>discussed.</b></p> <p>18 Q. Did you have more than one meeting where</p> <p>19 you discussed the dress code at the board of</p> <p>20 directors?</p> <p>21 <b>A. I don't know exactly how many times we</b></p> <p>22 <b>discussed.</b></p> <p>23 Q. Did you have less than five meetings</p> <p>24 where you discussed the dress code?</p> <p>25 <b>A. I cannot recall.</b></p>

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<p>1 time, Mr. Farid?</p> <p>2 <b>A. The times of prayer changes when it's</b></p> <p>3 <b>winter and when it's summer. They are</b></p> <p>4 <b>different.</b></p> <p>5 Q. So do you know whether students pray</p> <p>6 every day at TiZA?</p> <p>7 <b>A. I don't know.</b></p> <p>8 Q. You don't know?</p> <p>9 <b>A. No.</b></p> <p>10 Q. Do you know if they pray every week?</p> <p>11 <b>A. I don't know who prays and -- they pray.</b></p> <p>12 Q. You know they pray, but you don't know</p> <p>13 if they pray every day?</p> <p>14 <b>A. I don't know.</b></p> <p>15 Q. Have you ever discussed whether they</p> <p>16 pray every day at the board?</p> <p>17 <b>A. No.</b></p> <p>18 Q. Do you know if there is a period of time</p> <p>19 set aside every Friday for students to pray?</p> <p>20 <b>A. Yeah, I heard about it.</b></p> <p>21 Q. You heard about that?</p> <p>22 <b>A. Uh-huh.</b></p> <p>23 Q. Did you discuss that at the board of</p> <p>24 directors level?</p> <p>25 <b>A. No.</b></p>	<p>1 school?</p> <p>2 <b>A. I don't remember.</b></p> <p>3 Q. You don't remember ever seeing students</p> <p>4 pray in school?</p> <p>5 <b>A. I don't remember, because when I come to</b></p> <p>6 <b>the school, I came straight to where I am going</b></p> <p>7 <b>so -- they pray in different places.</b></p> <p>8 Q. Where do they pray?</p> <p>9 <b>A. Wherever they are accommodated to do,</b></p> <p>10 <b>they pray.</b></p> <p>11 Q. But you don't know where that is?</p> <p>12 <b>A. I don't know where that is.</b></p> <p>13 Q. And you've never -- you don't remember</p> <p>14 ever seeing?</p> <p>15 <b>A. I have never seen students pray.</b></p> <p>16 Q. Have you ever prayed in the TiZA</p> <p>17 building?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Did you pray during the school day in</p> <p>20 the TiZA building?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. Do you know approximately how often you</p> <p>23 would pray in the school building?</p> <p>24 <b>A. Very seldom.</b></p> <p>25 Q. What time of day would you pray, have</p>
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<p>1 Q. You never discussed that at the board of</p> <p>2 directors level, a period of time every Friday</p> <p>3 that's set --</p> <p>4 <b>A. I don't -- I don't remember.</b></p> <p>5 MR. AZMAN: You should wait until he</p> <p>6 finishes his question.</p> <p>7 THE WITNESS: Okay.</p> <p>8 MR. AZMAN: That's okay.</p> <p>9 BY MR. AMUNDSEN:</p> <p>10 Q. Mr. Farid, you testified that you</p> <p>11 accommodate student prayer at TiZA. Do you</p> <p>12 know how that works? Do you know how it works</p> <p>13 in the classroom? Have you seen students pray</p> <p>14 in the classroom?</p> <p>15 <b>A. I don't know how it works.</b></p> <p>16 Q. Have you ever discussed how the</p> <p>17 accommodations should work?</p> <p>18 <b>A. No.</b></p> <p>19 Q. You've never discussed that at the</p> <p>20 board?</p> <p>21 <b>A. No.</b></p> <p>22 Q. Have you ever voted on a prayer policy?</p> <p>23 <b>A. No.</b></p> <p>24 Q. When you were employed as an ESL</p> <p>25 advisor, did you ever see students pray in</p>	<p>1 you prayed in the TiZA building?</p> <p>2 <b>A. It depends on what time I am there.</b></p> <p>3 Q. Let me ask the question in a different</p> <p>4 way.</p> <p>5 Have you ever prayed at TiZA between</p> <p>6 9:00 and 3:30 p.m., Monday, Tuesday, Wednesday,</p> <p>7 Thursday and Friday?</p> <p>8 <b>A. Well, I did not pray in TiZA. I prayed</b></p> <p>9 <b>in the building, not TiZA.</b></p> <p>10 Q. Okay. Where in the building?</p> <p>11 <b>A. There is a room for prayers for the</b></p> <p>12 <b>adults in the room in the building.</b></p> <p>13 Q. Where is that room in TiZA -- in the</p> <p>14 building?</p> <p>15 <b>A. Well, TiZA and the room are different.</b></p> <p>16 Q. What do you mean TiZA and the room are</p> <p>17 different?</p> <p>18 <b>A. The room is not rented for TiZA, as far</b></p> <p>19 <b>as I know. So I go to that room and pray.</b></p> <p>20 Q. Who rents that room?</p> <p>21 <b>A. I don't know.</b></p> <p>22 Q. You don't know?</p> <p>23 <b>A. I don't know.</b></p> <p>24 Q. You've never --</p> <p>25 <b>A. I didn't ask.</b></p>

## **EXHIBIT 8**

to the Declaration of Shamus P. O'Meara

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<p>1 UNITED STATES DISTRICT COURT</p> <p>2 DISTRICT OF MINNESOTA</p> <p>3</p> <p>4</p> <p>5 Court File No. 09-cv-00138</p> <p>6</p> <p>7 AMERICAN CIVIL LIBERTIES UNION OF</p> <p>8 MINNESOTA,</p> <p>9 Plaintiff,</p> <p>10 vs.</p> <p>11 TAREK IBN ZIYAD ACADEMY, et al.,</p> <p>12 Defendants.</p> <p>13</p> <p>14</p> <p>15</p> <p>16 DEPOSITION OF</p> <p>17 DR. MAHROUS KANDIL, VOLUME 1</p> <p>18 Taken on Tuesday, July 13, 2010</p> <p>19 Scheduled for 9:00 a.m.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 REPORTED BY: Dana S. Anderson-Linnell</p>	<p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Defendants Tarek Ibn Ziyad Academy,</p> <p>4 Asad Zaman, Asif Rahman, Mahrous Kandil, Mona</p> <p>5 Elnahrawy, Moira Fahey and Mohamed Farid:</p> <p>6 Mark R. Azman, Esquire</p> <p>7 JOHNSON &amp; CONDON</p> <p>8 7401 Metro Boulevard, Suite 600</p> <p>9 Minneapolis, MN 55439-3034</p> <p>10 Phone: 952.831.6544</p> <p>11 Email: mra@johnson-condon.com</p> <p>12</p> <p>13</p> <p>14 On Behalf of Defendant Islamic Relief USA:</p> <p>15 Timothy R. Obitts, Esquire (partial day)</p> <p>16 GAMMON &amp; GRANGE, P.C.</p> <p>17 Seventh Floor</p> <p>18 8280 Greensboro Drive</p> <p>19 McLean, VA 22102</p> <p>20 Phone: 703.761.5000</p> <p>21 Email: tro@gg-law.com</p> <p>22</p> <p>23</p> <p>24 (Appearances continued on the next page.)</p> <p>25</p>
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<p>1 DEPOSITION OF DR. MAHROUS KANDIL, VOLUME 1, taken on</p> <p>2 Tuesday, July 13, 2010, commencing at 8:59 a.m. at</p> <p>3 the offices of Dorsey and Whitney, 50 South Sixth</p> <p>4 Street, Suite 1500, Minneapolis, Minnesota before</p> <p>5 Dana S. Anderson-Linnell, a Notary Public in and of</p> <p>6 the State of Minnesota.</p> <p>7 *****</p> <p>8</p> <p>9 APPEARANCES</p> <p>10</p> <p>11 On Behalf of Plaintiff American Civil Liberties</p> <p>12 Union of Minnesota:</p> <p>13 Peter M. Lancaster, Esquire</p> <p>14 Ivan M. Ludmer, Esquire</p> <p>15 DORSEY &amp; WHITNEY</p> <p>16 50 South Sixth Street, Suite 1500</p> <p>17 Minneapolis, MN 55402</p> <p>18 Phone: 612.340.2600</p> <p>19 Email: lancaster.peter@dorsey.com</p> <p>20 ludmer.ivan@dorsey.com</p> <p>21</p> <p>22</p> <p>23 (Appearances continued on the next page.)</p> <p>24</p> <p>25</p>	<p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Defendant Islamic Relief USA:</p> <p>4 Sarah E. Bushnell, Esquire (partial day)</p> <p>5 KELLY &amp; BERENS, P.A.</p> <p>6 3720 IDS Center</p> <p>7 Minneapolis, MN 55402</p> <p>8 Phone: 612.349.6171</p> <p>9 Email: sbushnell@kellyandberens.com</p> <p>10</p> <p>11 On Behalf of Defendant Commissioner of Education:</p> <p>12 Kathryn Woodruff, Esquire</p> <p>13 Tamar Gronvall, Esquire (partial day)</p> <p>14 MINNESOTA ATTORNEY GENERAL'S OFFICE</p> <p>15 445 Minnesota Street, Suite 900</p> <p>16 St. Paul, MN 55101</p> <p>17 Phone: 651.297.5934</p> <p>18 Email: kathryn.woodruff@state.mn.us</p> <p>19 tamar.gronvall@state.mn.us</p> <p>20</p> <p>21</p> <p>22 ALSO PRESENT: Asad Zaman, Magdy Rabea and</p> <p>23 Mohamed Farid</p> <p>24</p> <p>25</p>

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<p>1 some time now, right?</p> <p>2 <b>A. That's correct.</b></p> <p>3 Q. And describe for us the leadership</p> <p>4 positions that you have held with MAS-MN.</p> <p>5 <b>A. I was a board member on MAS-MN for a</b></p> <p>6 <b>period of time.</b></p> <p>7 Q. Let's be a little bit more precise about</p> <p>8 it. When did you start being a board member of</p> <p>9 MAS-MN?</p> <p>10 <b>A. I don't remember exact dates, but maybe</b></p> <p>11 <b>between 2007 and 2008, two years or something.</b></p> <p>12 Q. You don't think you were a board member</p> <p>13 of MAS-MN before 2007 or 2008?</p> <p>14 <b>A. I don't remember if I was a board member</b></p> <p>15 <b>before that or not. I was not a board member</b></p> <p>16 <b>by the end of 2008. But maybe I was a board</b></p> <p>17 <b>member in 2006. I don't remember exactly.</b></p> <p>18 Q. And in January 2008 you became president</p> <p>19 of MAS-MN, right?</p> <p>20 <b>A. That's correct.</b></p> <p>21 Q. And at the end of 2008 you resigned as</p> <p>22 president and director of MAS-MN, correct?</p> <p>23 <b>A. That's correct.</b></p> <p>24 Q. Why did you resign?</p> <p>25 <b>A. I resigned because I don't have time.</b></p>	<p>1 Q. And part of the goal of MAS-MN is to</p> <p>2 promote the Arabic language, right?</p> <p>3 <b>A. It is in the bylaws of...</b></p> <p>4 Q. That is, in fact, part of the goal of</p> <p>5 MAS-MN, right?</p> <p>6 <b>A. As I -- I don't remember exactly.</b></p> <p>7 Q. Did you question whether that's part of</p> <p>8 the goal?</p> <p>9 <b>A. I don't remember if it is part of the</b></p> <p>10 <b>goal or not.</b></p> <p>11 Q. A part of the goal is to promote the</p> <p>12 seminal teachings of the Koran, right?</p> <p>13 <b>A. That's correct.</b></p> <p>14 Q. Part of the goal is to promote the</p> <p>15 establishment and operation of schools that</p> <p>16 target African, Asian and Middle Eastern</p> <p>17 children for education and learning, right?</p> <p>18 <b>A. I'm not sure about that. I don't</b></p> <p>19 <b>remember.</b></p> <p>20 MR. LANCASTER: Please look at what</p> <p>21 the court reporter will mark as Exhibit 127.</p> <p>22 (Exhibit Number 127 marked for</p> <p>23 identification.)</p> <p>24 BY MR. LANCASTER:</p> <p>25 Q. Exhibit 127 was --</p>
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<p>1 Q. Did you ever get paid for your work for</p> <p>2 MAS-MN?</p> <p>3 <b>A. No.</b></p> <p>4 Q. And that was true throughout the time of</p> <p>5 your involvement with the organization?</p> <p>6 <b>A. That's true.</b></p> <p>7 Q. Now, is it true that the principal goal</p> <p>8 of MAS-MN is to attain the pleasure of Allah?</p> <p>9 <b>A. It is written. I'm not sure if it is</b></p> <p>10 <b>part of their bylaws or not. I don't remember.</b></p> <p>11 <b>But in general this is Islamic belief. Part of</b></p> <p>12 <b>the Muslim belief is to seek the pleasure of</b></p> <p>13 <b>Allah.</b></p> <p>14 Q. And --</p> <p>15 <b>A. It is not only related to MAS-MN.</b></p> <p>16 Q. But that's part of MAS-MN's goals,</p> <p>17 right?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. And part of MAS-MN's goals is to present</p> <p>20 the message of Islamic to Muslims and</p> <p>21 non-Muslims, correct?</p> <p>22 <b>A. That's correct.</b></p> <p>23 Q. And part of the goal of MAS-MN is to</p> <p>24 build and nurture the Muslim personality?</p> <p>25 <b>A. That's correct.</b></p>	<p>1 MR. AZMAN: Do you have an extra</p> <p>2 copy?</p> <p>3 BY MR. LANCASTER:</p> <p>4 Q. This portion of the website of MAS-MN</p> <p>5 says that its mission is to present the truth</p> <p>6 of Islam to the public. You would agree with</p> <p>7 that statement, wouldn't you?</p> <p>8 <b>A. That's correct.</b></p> <p>9 Q. And would you pronounce the greeting of</p> <p>10 this document.</p> <p>11 <b>A. As-Salamu alaikum.</b></p> <p>12 Q. Pronounce the second word once more?</p> <p>13 <b>A. As-Salamu alaikum.</b></p> <p>14 Q. As-Salamu alaikum means peace be onto</p> <p>15 you as is indicated in the parenthesis?</p> <p>16 <b>A. That's correct.</b></p> <p>17 Q. And that's sometimes shortened just to</p> <p>18 AA, right?</p> <p>19 <b>A. Sometimes.</b></p> <p>20 Q. And Muslims understand that when you say</p> <p>21 "AA," what you mean to be saying is Asalamu</p> <p>22 Alaykum?</p> <p>23 <b>A. It's not necessarily.</b></p> <p>24 Q. There is Muslims who don't understand</p> <p>25 that?</p>



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<p>1 <b>A. Yeah.</b></p> <p>2 Q. Does AA mean something else too?</p> <p>3 <b>A. It can mean many things.</b></p> <p>4 Q. In the Muslim context what does it mean</p> <p>5 besides those two words?</p> <p>6 <b>A. I don't know.</b></p> <p>7 Q. You can't think of anything else it</p> <p>8 means besides those two words?</p> <p>9 <b>A. AA is two letters. It can have</b></p> <p>10 <b>many -- the first two letters of many words.</b></p> <p>11 Q. When a communication begins with the</p> <p>12 greeting AA what is meant among Muslims is</p> <p>13 Asalamu Alaykum, right?</p> <p>14 <b>A. What do you mean by communication?</b></p> <p>15 Q. You don't know what a communication is?</p> <p>16 <b>A. I don't meet people and say AA when I</b></p> <p>17 <b>meet them.</b></p> <p>18 Q. A letter, an email, a memo.</p> <p>19 <b>A. It depends who is receiving and who is</b></p> <p>20 <b>sending the email. If they are familiar with</b></p> <p>21 <b>their -- of each other language, they may</b></p> <p>22 <b>understand it this way.</b></p> <p>23 Q. And are you aware of any other</p> <p>24 understanding that a Muslim would take from the</p> <p>25 shortened form of the greeting AA?</p>	<p>1 Q. If you don't know what the word</p> <p>2 "required" means, I can't help you.</p> <p>3 <b>A. When I meet people in the street, it's</b></p> <p>4 <b>not necessarily that I would say to them</b></p> <p>5 <b>Asalamu Alaykum. When I meet non-Muslims, it</b></p> <p>6 <b>doesn't mean I would say it or not say it.</b></p> <p>7 Q. Please look at what the court reporter</p> <p>8 will mark as Exhibit 128.</p> <p>9 (Exhibit Number 128 marked for</p> <p>10 identification.)</p> <p>11 BY MR. LANCASTER:</p> <p>12 Q. Exhibit 128 is another document printed</p> <p>13 off the MAS-MN website. I assume you've seen</p> <p>14 this before?</p> <p>15 <b>A. (Reviews document.) That's correct.</b></p> <p>16 Q. And the fifth listed set of objectives</p> <p>17 of the Muslim American Society are to promote</p> <p>18 the human values that Islam came to emphasize,</p> <p>19 brotherhood, equality, justice, mercy,</p> <p>20 compassion and peace. You couldn't come up</p> <p>21 with any of those values when I asked you</p> <p>22 earlier, but would you agree that those are</p> <p>23 values that Islam emphasizes?</p> <p>24 <b>A. Could be examples.</b></p> <p>25 Q. Well, have you ever communicated to</p>
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<p>1 <b>A. It can mean many other things.</b></p> <p>2 Q. Tell me what else it can mean to a</p> <p>3 Muslim when it's used as a greeting at the</p> <p>4 beginning of a communication.</p> <p>5 <b>A. AA can mean Asalamu Alaykum. It also</b></p> <p>6 <b>can mean other things.</b></p> <p>7 Q. I'm asking you what else does it mean</p> <p>8 besides that.</p> <p>9 <b>A. I'm not familiar with any.</b></p> <p>10 Q. You can't identify anything else that it</p> <p>11 means?</p> <p>12 <b>A. Myself, no.</b></p> <p>13 Q. Those words are a required greeting a</p> <p>14 Muslim should give to another Muslim, correct?</p> <p>15 <b>A. That's not necessary.</b></p> <p>16 Q. What I just said is incorrect, your</p> <p>17 testimony is?</p> <p>18 <b>A. It is not necessarily to be only between</b></p> <p>19 <b>two Muslims.</b></p> <p>20 Q. That wasn't what I asked you.</p> <p>21 <b>A. So what was your question?</b></p> <p>22 Q. What I'm asking you is: Isn't it true</p> <p>23 that those two words are the required greeting</p> <p>24 a Muslim should give to another Muslim?</p> <p>25 <b>A. What do you mean by "required"?</b></p>	<p>1 anyone within MAS-MN that you don't think those</p> <p>2 are the human values that Islam emphasizes?</p> <p>3 <b>A. What is the question again?</b></p> <p>4 Q. Have you ever said to anyone within</p> <p>5 MAS-MN: I think you are making a mistake here.</p> <p>6 These are not the human values that Islam</p> <p>7 emphasizes?</p> <p>8 <b>A. If I said that to anyone?</b></p> <p>9 Q. Right.</p> <p>10 <b>A. Well, this is part of human values in</b></p> <p>11 <b>any -- in any religion or any society. That</b></p> <p>12 <b>does not necessarily only emphasized by Islam.</b></p> <p>13 Q. But there are many other values that a</p> <p>14 religion or group may emphasize besides these</p> <p>15 values, right?</p> <p>16 <b>A. That's correct, for human values, yes.</b></p> <p>17 Q. Please look at what the court reporter</p> <p>18 will mark as Exhibit Number 129.</p> <p>19 (Exhibit Number 129 marked for</p> <p>20 identification.)</p> <p>21 BY MR. LANCASTER:</p> <p>22 Q. Exhibit Number 129 is printed off the</p> <p>23 website of TiZA. I assume you've seen this</p> <p>24 document before?</p> <p>25 <b>A. That's correct.</b></p>

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<p>1 Q. The same values as -- that MAS-MN 2 emphasizes are listed in the same order by TiZA 3 with just one exception. Is that just 4 coincidence? 5 <b>A. Maybe.</b> 6 Q. I'm not looking for a maybe. I'm asking 7 you whether you believe that's coincidence or 8 whether, in fact, one was copied from the 9 other? 10 <b>A. These are human values, as I said, it's 11 not only related to Islam. It's related to any 12 society with any community.</b> 13 Q. Why did TiZA leave mercy out of the list 14 that MAS-MN includes? 15 <b>A. I have no idea. I did not -- I did not 16 found TiZA. I was not part of it. So I have 17 no idea why they left out that word mercy from 18 their introduction.</b> 19 Q. Have you ever heard anyone at either 20 organization say why the two groups have almost 21 identical sets of values that they seek to 22 promote? 23 <b>A. Have I ever heard?</b> 24 Q. Yeah. 25 <b>A. Well, that is written in the news, maybe</b></p>	<p>1 same set of values with one exception? 2 MR. AZMAN: Same objection. Wait a 3 minute. You have to wait until I object and 4 then you can answer. Same objection. 5 You can go ahead. Thank you. 6 THE WITNESS: I did not. 7 BY MR. LANCASTER: 8 Q. After others pointed that out to you, 9 did you hear anyone else within TiZA explain 10 why they are identical except for one word? 11 <b>A. No.</b> 12 Q. After the media pointed it out, did you 13 ever hear anyone associated with MAS-MN explain 14 why they were identical except for one word? 15 <b>A. No.</b> 16 Q. And did you ever have any curiosity as 17 to how that happened? 18 <b>A. I see them completely human values that 19 any society can promote or can support.</b> 20 Q. And in exactly the same order as well? 21 <b>A. I don't think so that this is an issue.</b> 22 Q. Well, it might be an issue for people 23 who think that MAS-MN and TiZA are the same 24 organization operating under different names, 25 don't you think?</p>
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<p>1 <b>someone write something about that.</b> 2 Q. This is not the first time that you have 3 noticed that they are almost identical, is it? 4 <b>A. I personally noticed, yeah, they are 5 similar. But these are human values not 6 related to Islam only.</b> 7 Q. When did you first notice that they were 8 almost identical? 9 MR. AZMAN: I'm going to object as 10 mischaracterizing his testimony. He didn't say 11 almost identical, he said similar. Big 12 difference. 13 You can answer, Mahrous. 14 BY MR. LANCASTER: 15 Q. Identical except for one word? 16 <b>A. What was the question?</b> 17 Q. When did you first notice that the two 18 statements of values were identical except for 19 one word? 20 <b>A. When it was written in the media.</b> 21 Q. When was that? 22 <b>A. Maybe 2008, 2009.</b> 23 Q. And your testimony is before that point, 24 before newspapers pointed it out, you never 25 noticed that MAS-MN and TiZA had exactly the</p>	<p>1 <b>A. For these people, maybe; for me, no.</b> 2 Q. You can understand why somebody looking 3 at that might conclude as one piece of evidence 4 that MAS-MN and TiZA are two organizations 5 operating under different names, right? 6 <b>A. Not necessarily.</b> 7 Q. Have you ever made any investigation 8 either as a board member or officer of MAS-MN 9 or as a board member of TiZA as to how it 10 happened that they adopted identical statements 11 of values with the exception of one word? 12 <b>A. Well, as I said, the school is founded 13 in 2003. And their application was accepted by 14 the Department of Education, it was approved. 15 So -- and this was not flagged by the 16 Department of Education or anyone until 17 recently. So TiZA school, people look at the 18 operation of the school not what is written on 19 the website --</b> 20 MR. LANCASTER: I move to strike 21 that as nonresponsive. 22 BY MR. LANCASTER: 23 Q. Listen to the question, Dr. Kandil. 24 The question is: As a board member of 25 either MAS-MN or TiZA, did you ever make any</p>

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<p>1 conflict between statements that will resound</p> <p>2 to the glory and promotion of Islam versus</p> <p>3 statements that call for you to tell the truth,</p> <p>4 how do you resolve that conflict?</p> <p>5 <b>A. I don't understand your statement.</b></p> <p>6 Q. You appreciate the statements that might</p> <p>7 promote Islam might not necessarily be the</p> <p>8 truth, right?</p> <p>9 <b>A. I don't understand what you are</b></p> <p>10 <b>referring to.</b></p> <p>11 Q. You understand that you took an oath</p> <p>12 here at the beginning of this deposition to</p> <p>13 tell the truth, right?</p> <p>14 <b>A. I understand that.</b></p> <p>15 Q. You have accepted positions where your</p> <p>16 job was to promote Islam, right?</p> <p>17 <b>A. No.</b></p> <p>18 Q. When you were president of MAS-MN and</p> <p>19 you were serving Islam and the Muslim community</p> <p>20 your job wasn't to promote Islam?</p> <p>21 <b>A. This is not a job. This is a</b></p> <p>22 <b>volunteering role.</b></p> <p>23 Q. And when you were volunteering as</p> <p>24 president for MAS-MN, you were serving Islam</p> <p>25 and the Muslim community, right?</p>	<p>1 <b>A. It is a reference to the daycare that is</b></p> <p>2 <b>located in the MAS-MN Community Center.</b></p> <p>3 Q. Which just by coincidence TiZA is also</p> <p>4 located, correct?</p> <p>5 <b>A. That's correct.</b></p> <p>6 Q. The fifth bullet point is "Operates</p> <p>7 three weekend schools in the Twin Cities." Was</p> <p>8 one of those weekend schools TiZA?</p> <p>9 <b>A. TiZA is not a weekend school.</b></p> <p>10 Q. What were the weekend schools that were</p> <p>11 referred to here?</p> <p>12 <b>A. Most of the community centers that</b></p> <p>13 <b>served community we have weekend schools.</b></p> <p>14 Q. What were the three weekend schools that</p> <p>15 were referred to here?</p> <p>16 <b>A. Talking about located at the -- these</b></p> <p>17 <b>three locations that they mention at the top.</b></p> <p>18 Q. So University Avenue, Lake Street,</p> <p>19 Karmel locations?</p> <p>20 <b>A. That's true.</b></p> <p>21 Q. That's what your testimony is?</p> <p>22 <b>A. This is to the best of my knowledge.</b></p> <p>23 Q. The next bullet point says, "Provides</p> <p>24 after-school Islamic learning weekdays at the</p> <p>25 MAS Center."</p>
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<p>1 <b>A. That's right.</b></p> <p>2 Q. And serving Islam and the Muslim</p> <p>3 community might not always be the same thing as</p> <p>4 telling the truth here today, right?</p> <p>5 <b>A. I don't connect both. I don't know why</b></p> <p>6 <b>you think that I am not telling the truth.</b></p> <p>7 Q. If you can identify a full-time school</p> <p>8 that MAS-MN is referring to besides TiZA, tell</p> <p>9 us now.</p> <p>10 <b>A. What I am saying I did not write that</b></p> <p>11 <b>down.</b></p> <p>12 Q. I didn't ask you that, Dr. Kandil. I'm</p> <p>13 asking you if you can identify a full-time</p> <p>14 school besides TiZA that that could be</p> <p>15 referring to, tell us now, keeping in mind that</p> <p>16 you are under oath here.</p> <p>17 <b>A. Yeah, I'm saying I don't have.</b></p> <p>18 Q. You can't think of any school besides</p> <p>19 TiZA that that could possibly be referring to,</p> <p>20 right?</p> <p>21 <b>A. No.</b></p> <p>22 Q. The fourth bullet point says, "Operates</p> <p>23 a fully licensed Islamic daycare facility."</p> <p>24 That's also a reference to the TiZA site,</p> <p>25 correct?</p>	<p>1 That again is a reference to the TiZA</p> <p>2 site, correct?</p> <p>3 <b>A. This is a reference to the location of</b></p> <p>4 <b>that activity in the MAS-MN Community Center in</b></p> <p>5 <b>Inver Grove Heights.</b></p> <p>6 Q. Where TiZA also happens to be located?</p> <p>7 <b>A. That's true.</b></p> <p>8 Q. And the after school that's referred to</p> <p>9 there is after TiZA school, right?</p> <p>10 <b>A. There is no -- there is no such things</b></p> <p>11 <b>called after TiZA. TiZA has its own</b></p> <p>12 <b>after-school program. TiZA does not have</b></p> <p>13 <b>after-school Islamic learning program.</b></p> <p>14 Q. This reference to after school, is there</p> <p>15 some school that's being referred to besides</p> <p>16 TiZA?</p> <p>17 <b>A. This is -- provides after-school Islamic</b></p> <p>18 <b>learning weekdays at the MAS Center has no</b></p> <p>19 <b>relationship to TiZA.</b></p> <p>20 Q. My question is: The reference to after</p> <p>21 school, is there some school that's referenced</p> <p>22 there besides TiZA?</p> <p>23 <b>A. No.</b></p> <p>24 Q. So this is a reference to the after TiZA</p> <p>25 school Islamic learning, correct?</p>

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<p>1 turned into a full-time job?</p> <p>2 <b>A. I believe maybe the year 2006, 2007 to</b></p> <p>3 <b>the best of my recollection.</b></p> <p>4 Q. Did your responsibilities change when it</p> <p>5 became a full-time job?</p> <p>6 <b>A. The tasks increased.</b></p> <p>7 Q. What tasks were added to curriculum</p> <p>8 coordinator and purchasing manager?</p> <p>9 <b>A. Just to -- multiple tasks like talked to</b></p> <p>10 <b>the bus company about their service, their</b></p> <p>11 <b>contracts, talked to some vendors. There was a</b></p> <p>12 <b>project in the school to install elevator. And</b></p> <p>13 <b>there was some projects to change some tiles.</b></p> <p>14 <b>I mean, there was some other tasks.</b></p> <p>15 Q. You recall any other tasks that you</p> <p>16 undertook at that point?</p> <p>17 <b>A. No, I don't remember.</b></p> <p>18 Q. Was there a point that you became</p> <p>19 principal of the Blaine campus?</p> <p>20 <b>A. Starting from 2007 to 2008 I became the</b></p> <p>21 <b>director of the Blaine campus.</b></p> <p>22 Q. Do you hold that position today?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. Is that a full-time job?</p> <p>25 <b>A. Yes.</b></p>	<p>1 supervising teachers?</p> <p>2 <b>A. As a director I supervised teachers.</b></p> <p>3 Q. You are saying director on the board of</p> <p>4 directors?</p> <p>5 <b>A. No, director of the Blaine campus.</b></p> <p>6 Q. So by the time you were put on the TiZA</p> <p>7 board of directors you were already the</p> <p>8 principal of the Blaine campus, correct?</p> <p>9 <b>A. Yes, the director of that campus, yes.</b></p> <p>10 Q. Please look at what was earlier marked</p> <p>11 Exhibit 148. That's the document I just handed</p> <p>12 you.</p> <p>13 <b>A. Yes, I have it.</b></p> <p>14 Q. First have you ever seen this document</p> <p>15 before?</p> <p>16 <b>A. No.</b></p> <p>17 Q. Have you ever participated in emails</p> <p>18 involving the TiZA board at Yahoogroup.com</p> <p>19 directory?</p> <p>20 <b>A. No. I don't remember that I am part of</b></p> <p>21 <b>that.</b></p> <p>22 Q. Do you know whether that exists today?</p> <p>23 <b>A. Currently I'm the chairman of the board.</b></p> <p>24 <b>I've never seen that before (indicating) except</b></p> <p>25 <b>the last deposition they was talking about TiZA</b></p>
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<p>1 Q. And has it been a full-time job since</p> <p>2 you started with it?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. Do you still have an office at Inver</p> <p>5 Grove Heights?</p> <p>6 <b>A. No.</b></p> <p>7 Q. Did you stop having an office there when</p> <p>8 you started being the principal of Blaine?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. How often do you go to the Inver Grove</p> <p>11 Heights location now?</p> <p>12 <b>A. It depends. Sometimes at least twice a</b></p> <p>13 <b>week. Sometimes three, sometimes every day,</b></p> <p>14 <b>especially in the summer.</b></p> <p>15 Q. What do you do when you go to the Inver</p> <p>16 Grove Heights in the summer now?</p> <p>17 <b>A. Management meetings.</b></p> <p>18 Q. During the school year how often do you</p> <p>19 typically go to the Inver Grove Heights</p> <p>20 location?</p> <p>21 <b>A. One or two days a week.</b></p> <p>22 Q. Have you ever had responsibility for</p> <p>23 teaching classes?</p> <p>24 <b>A. No.</b></p> <p>25 Q. Have you ever had responsibility for</p>	<p>1 <b>board Yahoo group. I was not familiar with</b></p> <p>2 <b>that before.</b></p> <p>3 Q. Tell me the email addresses that you</p> <p>4 have used since you've become involved with</p> <p>5 TiZA.</p> <p>6 <b>A. Mahrous@tizaacademy.com.</b></p> <p>7 Q. Dot org, right?</p> <p>8 <b>A. Tizaacademy.com.</b></p> <p>9 Q. And you don't mean to distinguish that</p> <p>10 from dot org, do you?</p> <p>11 <b>A. There is no dot org for TiZA.</b></p> <p>12 Q. Okay. What other email addresses have</p> <p>13 you used?</p> <p>14 <b>A. I have another emails called</b></p> <p>15 <b>mahrous@masmn.org sometimes by mistake we send</b></p> <p>16 <b>emails but...</b></p> <p>17 Q. Is that address still operational?</p> <p>18 <b>A. Still operational.</b></p> <p>19 Q. What other email addresses do you have?</p> <p>20 <b>A. I have my other email that</b></p> <p>21 <b>mahrouskan@yahoo.com.</b></p> <p>22 Q. That's still operational?</p> <p>23 <b>A. Still operational. But this is my</b></p> <p>24 <b>private email.</b></p> <p>25 Q. In Exhibit 148 Mr. Zaman is cautioning</p>

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<p>1 didn't make any effort to find out what groups 2 you might be able to email to? 3 <b>A. No, I did not.</b> 4 Q. But you did send out emails as president 5 of MAS-MN to individuals? 6 <b>A. To some individuals, yes.</b> 7 Q. Did you send out emails relating to TiZA 8 business? 9 <b>A. For TiZA customers, yes.</b> 10 Q. Please look at what the court reporter 11 will mark as Exhibit 150. 12 (Exhibit Number 150 marked for 13 identification.) 14 BY MR. LANCASTER: 15 Q. Exhibit 150 is an email that appears to 16 have been sent out by you, correct? 17 <b>A. That's correct.</b> 18 Q. This was sent out from your Yahoo 19 address? 20 <b>A. That's correct.</b> 21 Q. This was another email you did not 22 produce, correct, in this case? 23 <b>A. That's correct.</b> 24 Q. And the first two locations that you 25 list here for the prayer meeting are the two</p>	<p>1 so there could be this all-day prayer meeting? 2 <b>A. It is not all-day prayer meeting.</b> 3 Q. How long did it last? 4 <b>A. Maybe one hour or so.</b> 5 Q. Was school canceled so that this prayer 6 meeting could take place? 7 <b>A. No. There's no association between the</b> 8 <b>school off and that prayer.</b> 9 Q. Just coincidentally the school was off 10 that day and the prayers were happening at the 11 schools? 12 <b>A. No, the prayer is not happening at the</b> 13 <b>school. The prayer is happening in the</b> 14 <b>building that the school is renting. This is</b> 15 <b>related to the parents' request and the work of</b> 16 <b>TiZA to accommodate the needs of the students</b> 17 <b>and their parents.</b> 18 Q. And so TiZA in order to accommodate the 19 request of the students and the parents to have 20 a prayer day arranged to get the administration 21 to cancel school on that day? 22 <b>A. No. The school does not cancel. The</b> 23 <b>administrations of the school do not cancel the</b> 24 <b>school at that day. It is from the beginning</b> 25 <b>of the school calendar. From the beginning of</b></p>
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<p>1 facilities at which TiZA is also located, 2 correct? 3 <b>A. That's correct.</b> 4 Q. Were you sending this out as the 5 president of MAS-MN? 6 <b>A. Yes.</b> 7 Q. Was there any school on 8 December 8, 2008? 9 <b>A. What do you mean by any school?</b> 10 Q. Monday would typically be a school day, 11 right? 12 <b>A. Yes.</b> 13 Q. So on this day in which these prayers 14 are starting at 8:00 a.m. was there school? 15 <b>A. For TiZA, you mean?</b> 16 Q. Right. 17 <b>A. TiZA takes some days off.</b> 18 Q. Right. Do you know whether it took this 19 day off? 20 <b>A. Based on the school calendar and the</b> 21 <b>parents' requests they take these days off.</b> 22 Q. So you are saying on December 8, 2008, 23 there wasn't any school? 24 <b>A. That's correct.</b> 25 Q. Was the reason why school was canceled</p>	<p>1 <b>the year, the school worked out with the</b> 2 <b>teachers about the school calendar and which</b> 3 <b>days off and so forth based on the culture of</b> 4 <b>the parents and the students that during these</b> 5 <b>days it is very well known that the students</b> 6 <b>and the staff will not show up at the school to</b> 7 <b>work or to teach or to learn, so the school</b> 8 <b>decided to have these days off. It is not a</b> 9 <b>matter of cancellation it is a matter of</b> 10 <b>accommodation for the parents and their</b> 11 <b>student's choices.</b> 12 Q. And when you say the school decided, you 13 are talking about the board of directors of 14 TiZA, right? 15 <b>A. That's correct.</b> 16 Q. And that's you, right? You are part of 17 the board of directors? 18 <b>A. I'm part of the board, that's correct.</b> 19 Q. And it's other people associated with 20 MAS-MN who are also on the board? 21 <b>A. No.</b> 22 Q. Well, Asad Zaman -- 23 <b>A. He's not on the board anymore.</b> 24 Q. Was he on the board at this time? 25 <b>A. 2008? I'm not sure when he resigned.</b></p>

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<p>1 <b>prayers as you -- takes like two, three</b></p> <p>2 <b>minutes, five minutes maximum. The Friday</b></p> <p>3 <b>prayer maybe require more time like between</b></p> <p>4 <b>five and ten minutes.</b></p> <p>5 Q. My question was: With respect to</p> <p>6 teacher involvement, is there any difference</p> <p>7 between the Monday through Thursday prayers and</p> <p>8 the Friday prayer?</p> <p>9 <b>A. It is the same guidelines that the --</b></p> <p>10 <b>they just keep the students safe and they are</b></p> <p>11 <b>not involved or praying or participating in the</b></p> <p>12 <b>prayer itself with the students.</b></p> <p>13 Q. Under what circumstances do parents of</p> <p>14 TiZA students participate in the prayer</p> <p>15 sessions?</p> <p>16 <b>A. In Blaine there is no -- any parents</b></p> <p>17 <b>involved within the prayer.</b></p> <p>18 Q. And how about Inver Grove Heights?</p> <p>19 <b>A. I'm not sure for the last three years.</b></p> <p>20 Q. And how about when you were at Inver</p> <p>21 Grove Heights?</p> <p>22 <b>A. In Inver Grove Heights there was some</b></p> <p>23 <b>parents involvement within that.</b></p> <p>24 Q. And sometimes parents would come and</p> <p>25 pray with the students, correct?</p>	<p>1 MR. LANCASTER: Let me do a couple</p> <p>2 more documents, and then we can discuss that.</p> <p>3 BY MR. LANCASTER:</p> <p>4 Q. Exhibit 177, is that the advertisement</p> <p>5 that you were just referring to?</p> <p>6 <b>A. That's correct.</b></p> <p>7 <b>(Ms. Bushnell enters the</b></p> <p>8 <b>deposition.)</b></p> <p>9 BY MR. LANCASTER:</p> <p>10 Q. Have you ever told parents or students</p> <p>11 at the Blaine campus that prayer is not</p> <p>12 required?</p> <p>13 <b>A. Telling parents or students?</b></p> <p>14 Q. Right.</p> <p>15 <b>A. I think the parents are the ones who</b></p> <p>16 <b>told us that they want their students to pray.</b></p> <p>17 <b>And the school told them that they will</b></p> <p>18 <b>accommodate their requests. I don't remember</b></p> <p>19 <b>if we told them that they will not pray. I'm</b></p> <p>20 <b>not sure if the school has a choice to tell the</b></p> <p>21 <b>parents will not allow the students to pray.</b></p> <p>22 Q. That's a different issue. Has the</p> <p>23 school ever communicated in writing to parents</p> <p>24 that prayer is not required?</p> <p>25 <b>A. I'm not sure which context they would</b></p>
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<p>1 <b>A. This was the understanding of the</b></p> <p>2 <b>parents that they can come and participate in</b></p> <p>3 <b>the prayer and then the school understand that</b></p> <p>4 <b>this is not allowed.</b></p> <p>5 Q. The school encouraged parents to come to</p> <p>6 Friday prayers at one point, didn't it?</p> <p>7 <b>A. There was an ad. There was a form for</b></p> <p>8 <b>asking the parents to volunteer. And the</b></p> <p>9 <b>school in my mind before me being involved,</b></p> <p>10 <b>they were asking for volunteers to come to be</b></p> <p>11 <b>with their students or their kids. And then</b></p> <p>12 <b>once it was brought to their attention by</b></p> <p>13 <b>either the MDE, I think at the time they</b></p> <p>14 <b>removed that reference.</b></p> <p>15 Q. When did the ad go out?</p> <p>16 <b>A. I don't remember.</b></p> <p>17 Q. Please look at what the court reporter</p> <p>18 will mark as Exhibit 177.</p> <p>19 (Exhibit Number 177 marked for</p> <p>20 identification.)</p> <p>21 THE WITNESS: (Reviews document.)</p> <p>22 MR. AZMAN: We're going to need to</p> <p>23 take a break in a few minutes for ten or</p> <p>24 15 minutes or so. Is there a natural break</p> <p>25 time?</p>	<p>1 <b>say prayer is not required. They don't say</b></p> <p>2 <b>that prayer is required or the prayer is not</b></p> <p>3 <b>required.</b></p> <p>4 <b>(Mr. Obitts leaves the deposition.)</b></p> <p>5 BY MR. LANCASTER:</p> <p>6 Q. Traditionally, Muslims who pray face</p> <p>7 toward Mecca, correct?</p> <p>8 <b>A. That's correct.</b></p> <p>9 Q. How do kindergartners know which way to</p> <p>10 face?</p> <p>11 <b>A. I don't know.</b></p> <p>12 Q. They couldn't possibly know without an</p> <p>13 adult telling them, could they?</p> <p>14 <b>A. I don't know. The teachers are not --</b></p> <p>15 MR. AZMAN: There is no question</p> <p>16 pending right now.</p> <p>17 BY MR. LANCASTER:</p> <p>18 Q. Have you ever been curious about that,</p> <p>19 how the younger students could possibly know</p> <p>20 which way to pray if an adult didn't tell them?</p> <p>21 <b>A. They have other kids who are older than</b></p> <p>22 <b>them. They must have told them. But I did not</b></p> <p>23 <b>think about that issue.</b></p> <p>24 Q. In the prayer room was there tape that</p> <p>25 was put on the carpet to communicate what</p>

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<p style="text-align: right;">Page 305</p> <p>1 UNITED STATES DISTRICT COURT 2 DISTRICT OF MINNESOTA 3 4 5 Court File No. 09-cv-00138 6 7 AMERICAN CIVIL LIBERTIES UNION OF 8 MINNESOTA, 9 Plaintiff, 10 vs. 11 TAREK IBN ZIYAD ACADEMY, et al., 12 Defendants. 13 14 15 16 VIDEOTAPED DEPOSITION OF 17 DR. MAHROUS KANDIL, VOLUME 2 18 Taken on Tuesday, September 28, 2010 19 Scheduled for 9:00 a.m. 20 21 22 23 24 25 REPORTED BY: Dana S. Anderson-Linnell</p>	<p style="text-align: right;">Page 307</p> <p>1 APPEARANCES (continued): 2 3 On Behalf of Defendants Tarek Ibn Ziyad Academy, 4 Asad Zaman, Asif Rahman, Mahrous Kandil, Mona 5 Elnahrawy, Moira Fahey and Mohamed Farid: 6 Mark R. Azman, Esquire 7 JOHNSON &amp; CONDON 8 7401 Metro Boulevard, Suite 600 9 Minneapolis, MN 55439-3034 10 Phone: 952.831.6544 11 Email: mra@johnson-condon.com 12 13 14 On Behalf of Defendant Islamic Relief USA: 15 Timothy R. Obitts, Esquire (partial day) 16 GAMMON &amp; GRANGE, P.C. 17 Seventh Floor 18 8280 Greensboro Drive 19 McLean, VA 22102 20 Phone: 703.761.5000 21 Email: tro@gg-law.com 22 23 24 (Appearances continued on the next page.) 25</p>
<p style="text-align: right;">Page 306</p> <p>1 VIDEOTAPED DEPOSITION OF DR. MAHROUS KANDIL, 2 VOLUME 2, taken on Tuesday, September 28, 2010, 3 commencing at 9:02 a.m. at the offices of Dorsey and 4 Whitney, 50 South Sixth Street, Suite 1500, 5 Minneapolis, Minnesota before 6 Dana S. Anderson-Linnell, a Notary Public in and of 7 the State of Minnesota. 8 ***** 9 10 APPEARANCES 11 12 On Behalf of Plaintiff American Civil Liberties 13 Union of Minnesota: 14 Peter M. Lancaster, Esquire 15 Ivan M. Ludmer, Esquire (Partial day) 16 DORSEY &amp; WHITNEY 17 50 South Sixth Street, Suite 1500 18 Minneapolis, MN 55402 19 Phone: 612.340.2600 20 Email: lancaster.peter@dorsey.com 21 ludmer.ivan@dorsey.com 22 23 24 (Appearances continued on the next page.) 25</p>	<p style="text-align: right;">Page 308</p> <p>1 APPEARANCES (continued): 2 3 On Behalf of Defendant Islamic Relief USA: 4 Sarah E. Bushnell, Esquire 5 KELLY &amp; BERENS, P.A. 6 3720 IDS Center 7 Minneapolis, MN 55402 8 Phone: 612.349.6171 9 Email: sbushnell@kellyandberens.com 10 11 On Behalf of Defendant Commissioner of Education: 12 Tamar Gronvall, Esquire 13 MINNESOTA ATTORNEY GENERAL'S OFFICE 14 445 Minnesota Street, Suite 900 15 St. Paul, MN 55101 16 Phone: 651.297.5922 17 Email: tamar.gronvall@state.mn.us 18 19 ALSO PRESENT: Asad Zaman 20 Magdy Rabea 21 Randy Wallin, videographer 22 23 NOTE: The original transcript will be filed with 24 the Dorsey and Whitney Law Firm, pursuant to the 25 applicable Rules of Civil Procedure.</p>

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11:26:09 1	<b>footage and the rate, their market rate. And I</b>	11:29:25 1	BY MR. LANCASTER:
11:26:13 2	<b>have that knowledge. So we compare TiZA rate</b>	11:29:26 2	Q. Right. But I'm asking you now about your
11:26:20 3	<b>with other schools and in my mind it's</b>	11:29:28 3	earlier testimony that you couldn't identify
11:26:23 4	<b>reasonable. Also the Department of Education</b>	11:29:30 4	particular meetings that you attended.
11:26:24 5	<b>communicate with each other about the rate of</b>	11:29:32 5	<b>A. For MAS-MN?</b>
11:26:27 6	<b>these schools and they approve it. And if it</b>	11:29:34 6	Q. Right.
11:26:31 7	<b>is above or beyond the rate, they would have</b>	11:29:35 7	<b>A. You were asking about MAS-MN or MET?</b>
11:26:35 8	<b>raised that concern to us.</b>	11:29:38 8	Q. I think I asked about both.
11:26:38 9	Q. When is the last time you looked at a	11:29:43 9	<b>A. I think as I remember, that exhibit about</b>
11:26:41 10	Department of Education site to figure out what	11:29:46 10	<b>MET, not about MAS-MN.</b>
11:26:43 11	a reasonable lease rate for TiZA was?	11:29:51 11	Q. Well, at any rate, can you tell us to the
11:26:45 12	<b>A. I looked at maybe a couple of month ago.</b>	11:29:54 12	best of your knowledge how many MAS-MN board of
11:27:02 13	Q. Have you ever had any involvement yourself	11:29:57 13	director meetings occurred at your house, if
11:27:06 14	in any actual negotiations over the leases?	11:30:06 14	any?
11:27:11 15	<b>A. I personally did not. I have -- maybe I</b>	11:30:06 15	<b>A. Maybe one or two.</b>
11:27:17 16	<b>have -- no, I -- myself is not involved in the</b>	11:30:13 16	Q. Have you ever heard Asad Zaman lead the
11:27:24 17	<b>negotiation process itself.</b>	11:30:16 17	students in a chant of Allahu Akbar?
11:27:24 18	Q. Did you ever look into the level of profit	11:30:23 18	<b>A. I'm not sure.</b>
11:27:27 19	that the landlord was making off the TiZA rent?	11:30:25 19	Q. You don't know whether you've ever seen
11:27:34 20	<b>A. My understanding as a board member, that</b>	11:30:27 20	that or not?
11:27:36 21	<b>TiZA rent within the reasonable range of market</b>	11:30:28 21	<b>A. I personally did not see it.</b>
11:27:39 22	<b>value, so it is not so much a concern. The</b>	11:30:30 22	Q. You are confident of that, you personally
11:27:45 23	<b>school in Blaine was renting from a landlord</b>	11:30:32 23	never saw Asad Zaman do that?
11:27:49 24	<b>before, and so it is a regular business for a</b>	11:30:35 24	<b>A. Yes. I've never seen him doing that.</b>
11:27:55 25	<b>charter school to rent it from any other entity</b>	11:30:37 25	Q. Have you become aware of other people at
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11:27:57 1	<b>within the reasonable market value rate.</b>	11:30:40 1	the school who reported to you that Asad Zaman
11:28:00 2	Q. Did you ever make any investigation into	11:30:43 2	had done that?
11:28:03 3	the profit levels of the TiZA landlords?	11:30:44 3	<b>A. Nobody told me that.</b>
11:28:06 4	<b>A. I'm not in the MET business. So I don't</b>	11:30:45 4	Q. Is right now the first you've ever heard
11:28:11 5	<b>care much about it. I care about my school</b>	11:30:51 5	of that?
11:28:15 6	<b>finance, planning issues on behalf of the</b>	11:30:51 6	<b>A. I think it was a question here in the</b>
11:28:17 7	<b>school for some matters like bus contracts and</b>	11:30:54 7	<b>deposition.</b>
11:28:18 8	<b>other contracts. I shop around and see what is</b>	11:30:54 8	Q. Have you been involved in discussions
11:28:21 9	<b>working for the school.</b>	11:31:05 9	about construction projects at either the
11:28:22 10	Q. Again, did you ever make any investigation	11:31:10 10	Blaine or the Inver Grove Heights campus?
11:28:25 11	into the level of profits that TiZA's landlords	11:31:14 11	<b>A. Yes, I'm involved with them both.</b>
11:28:29 12	were making off their TiZA leases?	11:31:17 12	Q. Describe your involvement. And please
11:28:31 13	<b>A. No, I did not.</b>	11:31:21 13	start in each case with the specific
11:28:38 14	Q. Did you ever conduct any MAS-MN board of	11:31:24 14	construction project that you were involved
11:28:48 15	director meetings at your own house?	11:31:26 15	with.
11:28:50 16	<b>A. I don't remember that I have done that.</b>	11:31:26 16	<b>A. The construction project that is in Inver</b>
11:28:55 17	Q. You don't remember ever doing that?	11:31:31 17	<b>Grove Heights or just happened in Inver Grove</b>
11:28:57 18	<b>A. Maybe once, twice. I don't remember</b>	11:31:36 18	<b>Heights, it is part of the process that the MDE</b>
11:29:01 19	<b>exactly.</b>	11:31:38 19	<b>gave the school a grant to improve the</b>
11:29:02 20	Q. But if that ever happened, those are among	11:31:44 20	<b>educational facility at Inver Grove Heights.</b>
11:29:15 21	the meetings that you can't remember whether	11:31:48 21	<b>And it was part of my duties to manage that</b>
11:29:17 22	you attended or not?	11:31:55 22	<b>program to some extent from TiZA's side.</b>
11:29:19 23	MR. AZMAN: Object to the form.	11:32:00 23	<b>I attending meetings with the Department</b>
11:29:19 24	THE WITNESS: Would not happen in my	11:32:04 24	<b>of Education representative and was trained</b>
11:29:24 25	house unless I attended.	11:32:09 25	<b>what can be done, what should not be done. And</b>



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11:32:14 1	then there was some certain rules to hire the	11:35:19 1	THE WITNESS: Well, in like, for
11:32:18 2	architectural company. So I personally	11:35:23 2	example, Inver Grove Heights, the school has a
11:32:23 3	interviewed maybe four, five architectural	11:35:26 3	round washing area that people are using it if
11:32:27 4	companies about their work on business. And I	11:35:31 4	they choose to use it to wash up or something.
11:32:32 5	ask them some questions, and then we selected	11:35:33 5	BY MR. LANCASTER:
11:32:36 6	our architectural company. And then there is	11:35:33 6	Q. Can you answer my question now,
11:32:39 7	some rules for selecting the construction	11:35:36 7	Dr. Kandil.
11:32:45 8	company. It has to go through public bidding.	11:35:36 8	Are there sinks that are specifically
11:32:50 9	I was involved within that matter. And then	11:35:38 9	designed to be ablution sinks?
11:32:58 10	the project started. And usually I go there	11:35:40 10	MR. AZMAN: Same objection.
11:33:01 11	and see if the project is done by the record or	11:35:44 11	THE WITNESS: It is normal sinks
11:33:07 12	not.	11:35:45 12	that you -- maybe you can call it ablution
11:33:08 13	Q. And have you been involved in the process	11:35:48 13	sinks. But it is just regular sinks.
11:33:11 14	both for constructing an addition at Inver	11:35:52 14	BY MR. LANCASTER:
11:33:14 15	Grove Heights and for building a parking lot?	11:35:52 15	Q. Is the answer to my question yes or no?
11:33:20 16	<b>A. Part of the parking lot was part of that</b>	11:36:00 16	<b>A. There is some sinks you can say I want an</b>
11:33:28 17	<b>project, because the machines or the heavy</b>	11:36:04 17	<b>ablution sink, maybe yes.</b>
11:33:32 18	<b>machines will destroy the parking lot. So it</b>	11:36:05 18	Q. All right. In connection with the Blaine
11:33:36 19	<b>has to be redone again. This is my</b>	11:36:08 19	construction, did TiZA tell the contractor that
11:33:40 20	<b>understanding.</b>	11:36:12 20	it wanted ablution sinks?
11:33:41 21	Q. Describe your involvement in the Blaine	11:36:15 21	<b>A. I'm not sure if TiZA or the landlord, I'm</b>
11:33:45 22	construction work.	11:36:18 22	<b>not sure.</b>
11:33:47 23	<b>A. It went through the same process, that we</b>	11:36:19 23	Q. Well, you were in charge of it from TiZA's
11:33:51 24	<b>have an architect, went through public bidding</b>	11:36:22 24	side, right?
11:33:55 25	<b>and through remodeling.</b>	11:36:24 25	<b>A. Yes, but I did not attend every meeting</b>
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11:34:05 1	Q. At the Blaine campus did part of the	11:36:27 1	<b>and some meetings happened between the</b>
11:34:08 2	construction involve adding wash basins for	11:36:29 2	<b>architect maybe with the landlord.</b>
11:34:13 3	ablution?	11:36:31 3	Q. I want to make sure I understand your
11:34:15 4	<b>A. I don't remember exactly. But it may have</b>	11:36:33 4	testimony here, Dr. Kandil. Are you testifying
11:34:19 5	<b>some areas for -- for the kids to wash when</b>	11:36:36 5	that you don't know whether TiZA requested
11:34:27 6	<b>they are done with the bathroom.</b>	11:36:38 6	ablution sinks at the Blaine facility?
11:34:29 7	Q. You know what an ablution sink is, don't	11:36:40 7	<b>A. I'm not sure if TiZA requested that or</b>
11:34:33 8	you?	11:36:43 8	<b>not.</b>
11:34:34 9	<b>A. An ablution sink is a sink that people</b>	11:36:43 9	Q. And similarly at the Inver Grove Heights
11:34:37 10	<b>wash, like normal sink.</b>	11:36:45 10	facility, is your testimony that you don't know
11:34:39 11	Q. But it's a sink that people can use for	11:36:48 11	whether TiZA requested ablution sinks or not?
11:34:41 12	watching their feet, right?	11:36:51 12	<b>A. I'm not sure if TiZA requested or not.</b>
11:34:46 13	<b>A. Depends on the height or something. But,</b>	11:36:55 13	Q. Have you ever seen ablution sinks at
11:34:48 14	<b>I mean, to the best of my -- I have not seen</b>	11:36:58 14	either campus?
11:34:53 15	<b>any kids watching their feet at the school.</b>	11:37:01 15	<b>A. There are sinks people are using it to</b>
11:34:57 16	Q. Of course that wasn't the question,	11:37:04 16	<b>wash up after they use the bathroom.</b>
11:34:59 17	though. The question again is: Do you know	11:37:07 17	Q. Can you answer my question now, please.
11:35:02 18	what an ablution sink is?	11:37:18 18	<b>A. So what is the question again?</b>
11:35:04 19	<b>A. Depends. You can use a normal sink for</b>	11:37:20 19	Q. The question again is: Have you ever seen
11:35:08 20	<b>ablution if you would like.</b>	11:37:22 20	ablution sinks at either the Blaine or the
11:35:10 21	Q. Are there sinks that are specifically	11:37:26 21	Inver Grove Heights campuses?
11:35:12 22	designed for ablution?	11:37:28 22	<b>A. I've seen it in Blaine. But at Inver</b>
11:35:16 23	MR. AZMAN: Object to the form.	11:37:32 23	<b>Grove Heights, I don't think so.</b>
11:35:17 24	THE WITNESS: There is not --	11:37:32 24	Q. And the ablution sink, how many have you
11:35:19 25	MR. AZMAN: You can answer.	11:37:37 25	seen at Blaine?

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11:37:40 1	<b>A. There are five faucets in every bathroom so people can use either.</b>	11:40:34 1	BY MR. LANCASTER:
11:37:46 2		11:40:35 2	Q. Did you ever become aware of signatures
11:37:57 3	Q. Did you finish your answer?	11:40:37 3	purportedly by Islamic Relief that were not
11:37:59 4	<b>A. Yes.</b>	11:40:40 4	signed by the person who purportedly did sign
11:38:00 5	Q. Can you tell me how many ablution sinks	11:40:45 5	them?
11:38:02 6	you've seen at Blaine?	11:40:46 6	<b>A. No.</b>
11:38:04 7	<b>A. Every bathroom has five faucets.</b>	11:40:51 7	Q. And even sitting here today is this the
11:38:07 8	Q. And is that to say that every bathroom has	11:40:54 8	first time you've heard that?
11:38:11 9	five ablution sinks?	11:40:57 9	<b>A. Yes.</b>
11:38:12 10	<b>A. Just sinks. You can -- if you wanted to</b>	11:40:57 10	Q. You are aware of Representative
11:38:13 11	<b>call them ablution sinks, that's fine. If you</b>	11:41:03 11	Keith Ellison and Asad Zaman and others going
11:38:16 12	<b>wanted to call them sinks, that would be fine.</b>	11:41:07 12	on a trip to Mecca?
11:38:18 13	Q. I'm following your testimony that you have	11:41:09 13	<b>A. Yes.</b>
11:38:21 14	seen ablution sinks at Blaine. You recall that	11:41:09 14	Q. Did you go on that trip?
11:38:23 15	testimony, it was only two minutes ago, right?	11:41:11 15	<b>A. No.</b>
11:38:26 16	MR. AZMAN: Object to the form.	11:41:11 16	Q. Did you participate in any conversations
11:38:27 17	THE WITNESS: Yes.	11:41:17 17	with people at MAS-MN about what people MAS-MN
11:38:27 18	BY MR. LANCASTER:	11:41:24 18	should pay for to go on that trip?
11:38:28 19	Q. So my question to you is: How many	11:41:39 19	<b>A. If they go for that trip, they pay for it.</b>
11:38:30 20	ablution sinks have you seen at Blaine?	11:41:42 20	Q. Oh, your understanding is that anybody who
11:38:34 21	<b>A. I said five, that you can use them</b>	11:41:44 21	went on that trip paid for it themselves?
11:38:44 22	<b>whatever you want.</b>	11:41:47 22	<b>A. This is my understanding.</b>
11:38:50 23	Q. Those sinks were installed before TiZA	11:41:49 23	Q. So you think, for instance, that
11:38:58 24	started offering classes at the Blaine campus,	11:41:54 24	Representative Ellison paid for his own trip?
11:38:58 25	correct?	11:41:58 25	<b>A. No.</b>
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11:39:04 1	<b>A. That's correct.</b>	11:41:59 1	Q. Well, then why did you just testify that
11:39:08 2	Q. Do you know who Bashir Mogul is?	11:42:03 2	you understood that everybody on the trip paid
11:39:14 3	<b>A. To my knowledge he was the person who</b>	11:42:05 3	for themselves?
11:39:23 4	<b>purchased the building in Inver Grove Heights.</b>	11:42:06 4	<b>A. I thought that you asked about MAS people.</b>
11:39:25 5	Q. Did you -- strike that.	11:42:09 5	Q. Do you think that Asad Zaman paid for
11:39:28 6	When did you first meet him?	11:42:13 6	himself?
11:39:31 7	<b>A. I don't remember.</b>	11:42:13 7	<b>A. Yes.</b>
11:39:39 8	Q. Did you meet him before or after he bought	11:42:18 8	Q. Does the Blaine campus offer any music
11:39:42 9	the Inver Grove Heights building?	11:42:22 9	program?
11:39:48 10	<b>A. I met him once, I think, after he bought</b>	11:42:23 10	<b>A. Blaine campus?</b>
11:39:51 11	<b>the building.</b>	11:42:24 11	Q. Right.
11:39:52 12	Q. And have you only met him once in total?	11:42:25 12	<b>A. It is not a class by itself. But we have</b>
11:39:55 13	<b>A. I think once or twice.</b>	11:42:29 13	<b>some musical instrument at the campus. And</b>
11:39:57 14	Q. Did you ever learn how he was chosen as	11:42:32 14	<b>also children sometime they bring their own and</b>
11:40:00 15	the person who would buy the building?	11:42:36 15	<b>they play it in their classrooms. But there is</b>
11:40:02 16	<b>A. No.</b>	11:42:40 16	<b>no formal class.</b>
11:40:03 17	Q. Did you ever ask anybody?	11:42:41 17	Q. Is there any formal class for music at
11:40:04 18	<b>A. No.</b>	11:42:45 18	Inver Grove Heights?
11:40:05 19	Q. Did you ever become aware of signatures	11:42:45 19	<b>A. I'm not so much involved in the operation</b>
11:40:23 20	purportedly made by representatives of Islamic	11:42:48 20	<b>of Inver Grove Heights.</b>
11:40:28 21	Relief that were forged?	11:42:49 21	Q. Can you answer my question, though.
11:40:29 22	MR. AZMAN: Object to the form,	11:42:52 22	<b>A. I said no. I'm not involved with it.</b>
11:40:32 23	mischaracterizes prior testimony.	11:42:55 23	Q. That's a different question, though. I'm
11:40:34 24	You can answer.	11:42:57 24	asking you whether you know whether there has
11:40:34 25	THE WITNESS: No.	11:43:00 25	ever been any music program at Inver Grove

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11:43:03	1 Heights?	11:46:02	1 Q. And again, those instructions were never
11:43:03	2 <b>A. Apparently there is no yet. But the</b>	11:46:05	2 evidenced in any writing anywhere, correct?
11:43:06	3 <b>facility that was constructed, we made sure</b>	11:46:10	3 <b>A. I don't remember if there is some writings</b>
11:43:11	4 <b>that we have a musical class.</b>	11:46:12	4 <b>about it.</b>
11:43:16	5 Q. When you were curriculum coordinator at	11:46:13	5 Q. Are you aware of anybody on the part of
11:43:19	6 the Inver Grove Heights campus, did you make	11:46:17	6 the Department of Education who ever inspected
11:43:22	7 any provision for any music classes?	11:46:19	7 the school who either spoke or wrote Arabic?
11:43:26	8 <b>A. It is not the focus of the school, so no.</b>	11:46:22	8 <b>A. The MDE investigated the school? I did</b>
11:43:35	9 Q. Have you ever played any role in pasting	11:46:31	9 <b>not understand that question.</b>
11:43:40	10 together pages of Arabic textbooks at TiZA?	11:46:32	10 Q. Wasn't very complicated one. My question
11:43:48	11 <b>A. I'm not involved. But I give instruction</b>	11:46:36	11 was: Are you aware of any person from the
11:43:52	12 <b>three, four years ago.</b>	11:46:39	12 Department of Education who ever inspected the
11:43:53	13 Q. Have you ever played any role in stapling	11:46:43	13 school who could speak or write Arabic?
11:43:56	14 together pages of Arabic textbooks at TiZA?	11:46:46	14 MR. AZMAN: Object to the form,
11:44:00	15 <b>A. I gave instruction for the Arabic teachers</b>	11:46:47	15 argumentative.
11:44:05	16 <b>to do so.</b>	11:46:48	16 You can answer.
11:44:06	17 Q. And this is what you are claiming happened	11:46:49	17 THE WITNESS: I'm not aware of that.
11:44:08	18 three or four years ago?	11:46:52	18 It is the business of the MDE to send whatever
11:44:10	19 <b>A. Yes.</b>	11:46:55	19 investigator that they want. It is not my
11:44:11	20 Q. Have you ever had any involvement in	11:46:58	20 business.
11:44:14	21 whiting out parts of Arabic textbooks at TiZA?	11:46:58	21 MR. AZMAN: By my calculation, I
11:44:21	22 <b>A. I gave instruction for the teachers to do</b>	11:47:01	22 think there is an hour left. And according to
11:44:23	23 <b>so.</b>	11:47:03	23 the Order, I think we are supposed to give
11:44:23	24 Q. When is the first time that you are aware	11:47:06	24 30 minutes each to the other parties. I'll
11:44:26	25 of anybody at TiZA disclosing the fact that	11:47:08	25 just ask counsel to confer on that issue and
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11:44:34	1 people at TiZA were aware of religious content	11:47:13	1 make some decisions about who's going to go
11:44:38	2 in Arabic textbooks outside the school?	11:47:15	2 next.
11:44:48	3 <b>A. Can you repeat the question again.</b>	11:47:16	3 BY MR. LANCASTER:
11:44:50	4 Q. I'll ask it in a slightly different way.	11:47:16	4 Q. Are you aware --
11:44:53	5 Before the ACLU discovered the religious	11:47:17	5 MR. AZMAN: And I'll instruct the
11:44:56	6 content of the Arabic textbooks that are used	11:47:18	6 witness not to answer any further questions
11:44:59	7 at TiZA, were you aware of any disclosure of	11:47:20	7 until that issue is resolved to make sure that
11:45:04	8 that fact outside TiZA?	11:47:23	8 the Commissioner and Islamic Relief have the
11:45:09	9 <b>A. The Department of Education investigated</b>	11:47:24	9 opportunity pursuant to the Court's Order which
11:45:11	10 <b>the school for any religious content in the</b>	11:47:27	10 we should follow as to whether they want to
11:45:16	11 <b>year 2004. I was not involved in the school at</b>	11:47:30	11 invoke their 30 minutes.
11:45:20	12 <b>that time. But it came to my knowledge they</b>	11:47:32	12 MR. LANCASTER: Well, we have
11:45:22	13 <b>did not find any, the library of the school did</b>	11:47:33	13 discussed that, but --
11:45:25	14 <b>not find any. Other public or educators</b>	11:47:35	14 MR. AZMAN: Well, I wasn't part of
11:45:30	15 <b>visited the school specifically for that they</b>	11:47:36	15 those discussions.
11:45:32	16 <b>did not find any. So and to the best of my</b>	11:47:38	16 MS. GRONVALL: I'm fine waiting. I
11:45:38	17 <b>knowledge the ACLU matter came maybe 2009. But</b>	11:47:40	17 don't think I'm going to use my whole
11:45:41	18 <b>the school made effort before that because of</b>	11:47:42	18 30 minutes. So I'm fine waiting to do my
11:45:43	19 <b>the lack of the Arabic curriculum in this</b>	11:47:44	19 questions. And I also cede the reminder of my
11:45:46	20 <b>country so to make sure that they have Arabic</b>	11:47:47	20 time to either Islamic Relief or the ACLU.
11:45:49	21 <b>curriculum and they don't teach any religion.</b>	11:47:50	21 MR. OBITS: Right now I have four
11:45:52	22 <b>Even if some books have some materials that can</b>	11:47:51	22 questions to ask. But I would -- you know, so
11:45:55	23 <b>appear as religious materials, they were</b>	11:47:54	23 that would be three minutes or three to five
11:45:58	24 <b>instructed not to teach it, staple it, wipe it</b>	11:47:57	24 minutes total. But if I feel like -- like if
11:45:58	25 <b>out.</b>	11:48:02	25 you go someplace where I feel like I'm gonna

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11:48:06	1 need more time, I will stop -- I mean, I will	11:50:53	1 <b>language.</b>
11:48:09	2 object to make sure that I'm able to ask my	11:50:53	2 Q. Can you understand that I am talking about
11:48:12	3 questions.	11:50:56	3 the recent changes now, Dr. Kandil? Can you
11:48:13	4 MR. LANCASTER: I ask either the MDE	11:50:59	4 keep that in your mind?
11:48:15	5 or Islamic Relief to speak up promptly as soon	11:51:02	5 MR. AZMAN: Object as argumentative.
11:48:18	6 as you feel as if I'm exceeding my time.	11:51:04	6 THE WITNESS: What's recent change?
11:48:21	7 MR. AZMAN: Please do, because we've	11:51:05	7 BY MR. LANCASTER:
11:48:23	8 got three and a half hours, and that's it.	11:51:06	8 Q. Changes within the last few weeks.
11:48:29	9 Thank you.	11:51:08	9 <b>A. This is not the last few weeks. It is a</b>
11:48:29	10 BY MR. LANCASTER:	11:51:12	10 <b>matter of continuous process TiZA look at the</b>
11:48:30	11 Q. Are you aware of anyone at TiZA ever	11:51:14	11 <b>curriculum and be sure that it is not religious</b>
11:48:33	12 warning the Department of Education that the	11:51:17	12 <b>curriculum.</b>
11:48:39	13 Arabic textbooks that TiZA was using contained	11:51:17	13 Q. Do you think you could keep in your mind,
11:48:42	14 religious material?	11:51:20	14 Dr. Kandil, that what I am asking about is
11:48:49	15 <b>A. I'm not aware of specifics, but my</b>	11:51:23	15 whatever changes occurred in the last few weeks
11:48:51	16 <b>understanding the -- an inspection by the MDE</b>	11:51:26	16 to the Arabic textbooks?
11:48:54	17 <b>for the school was including looking for any</b>	11:51:28	17 <b>A. It is not a change. There is no change in</b>
11:48:59	18 <b>religious materials.</b>	11:51:31	18 <b>the process. TiZA take that all the time.</b>
11:49:00	19 Q. Did you answer my question to the best of	11:51:33	19 Q. Do you deny that pages were stapled
11:49:02	20 your ability or at least as much as you are	11:51:37	20 together and words were whited out in the last
11:49:05	21 willing to, Dr. Kandil?	11:51:40	21 few weeks on textbooks produced by TiZA in this
11:49:07	22 MR. AZMAN: Object to the form.	11:51:45	22 case?
11:49:08	23 BY MR. LANCASTER:	11:51:45	23 <b>A. I'm not denying. I'm confirming that it</b>
11:49:09	24 Q. Did you, Dr. Kandil?	11:51:48	24 <b>happened and is happening before that.</b>
11:49:10	25 <b>A. My understanding, the visit of the MDE to</b>	11:51:50	25 Q. All right. Did you participate in the
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11:49:13	1 <b>the school was based on a complaint.</b>	11:51:53	1 recent stapling, whiting out of Arabic
11:49:19	2 Q. Are you aware of representatives of TiZA	11:51:57	2 textbooks?
11:49:23	3 asserting publicly that the materials that they	11:51:58	3 <b>A. Myself, no.</b>
11:49:27	4 used to teach students do not contain religious	11:51:59	4 Q. Did you instruct people to do it?
11:49:30	5 material?	11:52:01	5 <b>A. My instruction was long time ago. And I'm</b>
11:49:31	6 <b>A. I am sure that we -- it has been</b>	11:52:05	6 <b>sure that they are doing it.</b>
11:49:35	7 <b>communicated frequently to the parents, to the</b>	11:52:07	7 Q. Did you instruct people recently to do it?
11:49:38	8 <b>public that TiZA is a public school and they</b>	11:52:10	8 <b>A. Yes.</b>
11:49:40	9 <b>don't teach religion. I personally have done</b>	11:52:12	9 Q. When is the last time you instructed
11:49:46	10 <b>that so many times.</b>	11:52:14	10 people at TiZA to staple together or white-out
11:49:53	11 Q. Can you identify any person outside the	11:52:18	11 pages of the Arabic textbooks?
11:50:03	12 TiZA community who became aware that the Arabic	11:52:22	12 <b>A. Before this school starts.</b>
11:50:08	13 textbooks used by TiZA contained religious	11:52:23	13 Q. When is the most recent time, Dr. Kandil?
11:50:13	14 material before the ACLU discovered that fact	11:52:27	14 <b>A. August, September.</b>
11:50:17	15 in this case?	11:52:28	15 Q. August, September of 2010?
11:50:22	16 <b>A. I'm not aware of any person that I can</b>	11:52:30	16 <b>A. It happens every year.</b>
11:50:25	17 <b>name.</b>	11:52:32	17 Q. August, September 2010, is that your
11:50:25	18 Q. Are you aware that in connection with a	11:52:35	18 testimony, Dr. Kandil?
11:50:29	19 recent production of Arabic textbooks TiZA	11:52:36	19 <b>A. Yes.</b>
11:50:32	20 participated in stapling and whiting out	11:52:36	20 MR. AZMAN: Object as argumentative.
11:50:37	21 material in the books?	11:52:38	21 BY MR. LANCASTER:
11:50:40	22 <b>A. It is not only recently. I am aware of</b>	11:52:39	22 Q. And so when you gave that instruction in
11:50:43	23 <b>that. But also I'm aware that TiZA started a</b>	11:52:41	23 August or September 2010, that was just before
11:50:49	24 <b>long time ago to look into these materials and</b>	11:52:44	24 the textbooks were produced to the ACLU,
11:50:51	25 <b>be sure that they are teaching Arabic as a</b>	11:52:44	25 correct?

## **EXHIBIT 9**

to the Declaration of Shamus P. O'Meara

## Asad Zaman, Volume I, 8/24/2010

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA</p> <p style="text-align: center;">Court File No. 09-cv-00138</p> <hr/> <p>AMERICAN CIVIL LIBERTIES UNION OF MINNESOTA, Plaintiff, vs. TAREK IBN ZIYAD ACADEMY, et al., Defendants.</p> <hr/> <p style="text-align: center;">CONFIDENTIAL VIDEOTAPED DEPOSITION OF ASAD ZAMAN, VOLUME 1 Taken on Tuesday, August 24, 2010 Scheduled for 9:00 a.m.</p> <p>REPORTED BY: Dana S. Anderson-Linnell</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (continued): 2 3 On Behalf of Defendants Tarek Ibn Ziyad Academy, 4 Asad Zaman, Asif Rahman, Mahrous Kandil, Mona 5 Elnahrawy, Moira Fahey and Mohamed Farid: 6 Mark R. Azman, Esquire 7 Shamus P. O'Meara, Esquire 8 M. Annie Mullin, Esquire 9 JOHNSON &amp; CONDON 10 7401 Metro Boulevard, Suite 600 11 Minneapolis, MN 55439-3034 12 Phone: 952.831.6544 13 Email: mra@johnson-condon.com 14 mamullin@johnson-condon.com 15 spo@johnson-condon.com 16 17 On Behalf of Defendant Islamic Relief USA: 18 Timothy R. Obitts, Esquire 19 GAMMON &amp; GRANGE, P.C. 20 Seventh Floor 21 8280 Greensboro Drive 22 McLean, VA 22102 23 Phone: 703.761.5000 24 Email: tro@gg-law.com 25</p>
<p style="text-align: right;">Page 2</p> <p>1 CONFIDENTIAL VIDEOTAPED DEPOSITION OF ASAD ZAMAN, 2 VOLUME 1, taken on Tuesday, August 24, 2010, 3 commencing at 9:01 a.m. at the offices of Dorsey and 4 Whitney, 50 South Sixth Street, Suite 1500, 5 Minneapolis, Minnesota before 6 Dana S. Anderson-Linnell, a Notary Public in and of 7 the State of Minnesota. 8 ***** 9 10 APPEARANCES 11 12 On Behalf of Plaintiff American Civil Liberties 13 Union of Minnesota: 14 Peter M. Lancaster, Esquire (partial day) 15 Ivan Ludmer, Esquire 16 DORSEY &amp; WHITNEY 17 50 South Sixth Street, Suite 1500 18 Minneapolis, MN 55402 19 Phone: 612.340.2600 20 Email: lancaster.peter@dorsey.com 21 ludmer.ivan@dorsey.com 22 23 24 (Appearances continued on the next page.) 25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES (continued): 2 3 On Behalf of Defendant Commissioner of Education 4 Kathryn Woodruff, Esquire 5 MINNESOTA ATTORNEY GENERAL'S OFFICE 6 445 Minnesota Street, Suite 900 7 St. Paul, MN 55101 8 Phone: 651.297.5934 9 Email: kathryn.woodruff@state.mn.us 10 11 12 ALSO PRESENT: Magdy Rabeaa 13 Teresa Nelson, ACLU of Minnesota 14 15 16 NOTE: The original transcript will be filed with 17 the Dorsey and Whitney Law Firm, pursuant to the 18 applicable Rules of Civil Procedure. 19 20 21 22 23 24 25</p>

1 (Pages 1 to 4)

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<p>1 <b>A. If they are middle school students who</b>  2 <b>are in this wing, they would go to room 106</b>  3 <b>typically.</b>  4 Q. And if they're in a different wing, what  5 room would they go to?  6 <b>A. They would either pray in their own</b>  7 <b>classroom typically or they would go into the</b>  8 <b>area listed as, quote, the commons area,</b>  9 <b>unquote.</b>  10 Q. And that's on the second page of  11 Exhibit 276?  12 <b>A. That is correct.</b>  13 Q. And is the commons area where there is a  14 rug that's used as a prayer rug?  15 <b>A. The commons area is affixed with a</b>  16 <b>permanent carpet.</b>  17 Q. And are there any rules with respect to  18 wearing shoes in that area?  19 <b>A. I have not promulgated any rules about</b>  20 <b>that.</b>  21 Q. That wasn't the question though, was it?  22 <b>A. Can you repeat your question?</b>  23 Q. Are there any rules relating to wearing  24 shoes in that area?  25 <b>A. I'm not sure if you can term it a rule.</b></p>	<p>1 <b>A. Last week.</b>  2 Q. Is the new addition ready for use for  3 the 2010 fall program?  4 <b>A. Yes.</b>  5 Q. And what is the new addition going to be  6 used for?  7 <b>A. It's going to be used for a science lab,</b>  8 <b>an art room, an auditorium space and</b>  9 <b>classrooms. There's also an office and a</b>  10 <b>bathroom in there.</b>  11 Q. Was the bathroom built with washing  12 facilities suitable for washing feet?  13 <b>A. Can you describe that in a little bit</b>  14 <b>more detail?</b>  15 Q. Well, a basin low to the floor.  16 <b>A. No.</b>  17 Q. What rooms shown on Exhibit 276 are  18 rooms to which TiZA does not have access during  19 the school day, if any, today?  20 <b>A. Room X, room 112, room 113 and room 106.</b>  21 Q. Please return, if you would, to  22 Exhibit 344, the DOE letter.  23 <b>A. What is it?</b>  24 Q. The last new exhibit I put in front of  25 you, Exhibit 344.</p>
Page 489	Page 491
<p>1 <b>But I heard some teachers discussing about not</b>  2 <b>wearing shoes in that area.</b>  3 Q. And it is the -- is it the practice of  4 teachers not to wear shoes in that area?  5 <b>A. Generally speaking, that is correct.</b>  6 Q. And is it the practice of students not  7 to wear shoes in that area?  8 <b>A. Generally speaking, that is correct,</b>  9 <b>although there are exceptions.</b>  10 Q. What are the exceptions?  11 <b>A. Well, I have seen both teachers and</b>  12 <b>students walk on it with shoes. I have done</b>  13 <b>that on multiple occasions. And I have seen</b>  14 <b>that area be used for construction storage.</b>  15 <b>And the construction workers have moved things</b>  16 <b>in and out of that area with their shoes on.</b>  17 Q. When was the last time you recall  18 walking on the carpeted area in that room in  19 shoes yourself?  20 <b>A. That is not a room.</b>  21 Q. Pardon me?  22 <b>A. The commons area is not a room. It's</b>  23 <b>more like a hallway.</b>  24 Q. When is the last time that you recall  25 walking on the carpet in that area in shoes?</p>	<p>1 <b>A. 344 you said?</b>  2 Q. Right. You recall we were just talking  3 about this?  4 <b>A. (Reviews document.) Yes.</b>  5 Q. Please look at page 6 on this document.  6 <b>A. (Reviews document.)</b>  7 Q. The top says that MAS-MN and TiZA share  8 the same 651-457-7072 number and identifies  9 some places where MAS-MN identified that as its  10 telephone number.  11 The first question is whether there have  12 been any changes resulting from that complaint  13 made by MDE?  14 <b>A. I already described to you the heated</b>  15 <b>conversation I had with Mr. Ferdinand Peters in</b>  16 <b>this matter.</b>  17 Q. Are we talking about the same  18 conversation in which you were identified as  19 the president on a tax return?  20 <b>A. Not on a tax return, on a filing with</b>  21 <b>either the Secretary of State or some arm of</b>  22 <b>the Minnesota state.</b>  23 Q. And with respect to the telephone  24 numbers, did Mr. Peters ever tell you how he  25 got the idea that MAS-MN had the same telephone</p>

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**Asad Zaman (Vol. 3) 30(b)(6) and individual, 10/11/2010 \* Confidential \*****Page: 1**

<p style="text-align: right;">Page 568</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 DISTRICT OF MINNESOTA</p> <p>3</p> <p>4</p> <p>5 Court File No. 09-cv-00138</p> <p>6</p> <p>7 AMERICAN CIVIL LIBERTIES UNION OF</p> <p>8 MINNESOTA,</p> <p>9 Plaintiff,</p> <p>10 vs.</p> <p>11 TAREK IBN ZIYAD ACADEMY, et al.,</p> <p>12 Defendants.</p> <p>13</p> <p>14</p> <p>15</p> <p>16 CONFIDENTIAL VIDEOTAPED 30(b)(6) AND INDIVIDUAL</p> <p>17 DEPOSITION OF</p> <p>18 ASAD ZAMAN, VOLUME 3</p> <p>19 Taken on Monday, October 11, 2010</p> <p>20 Scheduled for 9:00 a.m.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 REPORTED BY: Dana S. Anderson-Linnell</p>	<p style="text-align: right;">Page 570</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Defendants Tarek Ibn Ziyad Academy,</p> <p>4 Asad Zaman, Asif Rahman, Mahrous Kandil, Mona</p> <p>5 Elnahrawy, Moira Fahey and Mohamed Farid:</p> <p>6 Mark R. Azman, Esquire</p> <p>7 JOHNSON &amp; CONDON</p> <p>8 7401 Metro Boulevard, Suite 600</p> <p>9 Minneapolis, MN 55439-3034</p> <p>10 Phone: 952.831.6544</p> <p>11 Email: mra@johnson-condon.com</p> <p>12</p> <p>13 On Behalf of Defendant Islamic Relief USA:</p> <p>14 Timothy R. Obitts, Esquire</p> <p>15 GAMMON &amp; GRANGE, P.C.</p> <p>16 Seventh Floor</p> <p>17 8280 Greensboro Drive</p> <p>18 McLean, VA 22102</p> <p>19 Phone: 703.761.5000</p> <p>20 Email: tro@gg-law.com</p> <p>21</p> <p>22 (Appearances continued on the next page.)</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 569</p> <p>1 CONFIDENTIAL VIDEOTAPED 30(B)(6) AND INDIVIDUAL</p> <p>2 DEPOSITION OF ASAD ZAMAN, VOLUME 3, taken on Monday,</p> <p>3 October 11, 2010, commencing at 9:03 a.m. at the</p> <p>4 offices of Dorsey and Whitney, 50 South Sixth</p> <p>5 Street, Suite 1500, Minneapolis, Minnesota before</p> <p>6 Dana S. Anderson-Linnell, a Notary Public in and of</p> <p>7 the State of Minnesota.</p> <p>8 *****</p> <p>9</p> <p>10 APPEARANCES</p> <p>11</p> <p>12 On Behalf of Plaintiff American Civil Liberties</p> <p>13 Union of Minnesota:</p> <p>14 Peter M. Lancaster, Esquire</p> <p>15 DORSEY &amp; WHITNEY</p> <p>16 50 South Sixth Street, Suite 1500</p> <p>17 Minneapolis, MN 55402</p> <p>18 Phone: 612.340.2600</p> <p>19 Email: lancaster.peter@dorsey.com</p> <p>20</p> <p>21 (Appearances continued on the next page.)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 571</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Defendant Islamic Relief USA:</p> <p>4 Sarah E. Bushnell, Esquire</p> <p>5 KELLY &amp; BERENS, P.A.</p> <p>6 3720 IDS Center</p> <p>7 Minneapolis, MN 55402</p> <p>8 Phone: 612.349.6171</p> <p>9 Email: sbushnell@kellyandberens.com</p> <p>10</p> <p>11 On Behalf of Defendant Commissioner of Education:</p> <p>12 Tamar Gronvall, Esquire</p> <p>13 Kathryn Woodruff, Esquire</p> <p>14 MINNESOTA ATTORNEY GENERAL'S OFFICE</p> <p>15 445 Minnesota Street, Suite 900</p> <p>16 St. Paul, MN 55101</p> <p>17 Phone: 651.297.5922</p> <p>18 Email: tamar.gronvall@state.mn.us</p> <p>19 kathryn.woodruff@state.mn.us</p> <p>20</p> <p>21</p> <p>22 ALSO PRESENT: Magdy Rabeaa</p> <p>23 Teresa Nelson, ACLU of Minnesota</p> <p>24 Charles Bonin, videographer</p> <p>25</p>



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15:06:48 1	<b>A. After it was produced and back when it was first created, long time ago.</b>	15:10:12 1	<b>the TiZA calendar to the best of my knowledge.</b>
15:06:52 2		15:10:14 2	Q. When are those two holidays typically,
15:06:54 3	Q. When was it created?	15:10:17 3	what month?
15:06:56 4	<b>A. I don't remember. I would have to look at the document.</b>	15:10:19 4	<b>A. They all happen according to the Islamic or the lunar calendar, so they would change every year. Yeah.</b>
15:06:58 5		15:10:21 5	
15:06:59 6	Q. Can you estimate the year that it was created?	15:10:24 6	Q. During the months that TiZA has been in operation, what are the months in which those two holidays have occurred?
15:07:02 7		15:10:29 7	
15:07:04 8	<b>A. At the time of the transfer. And I don't remember now when the transfer occurred.</b>	15:10:32 8	
15:07:06 9		15:10:35 9	<b>A. I couldn't tell you offhand. Several of them fell during the school year. If that's what you're trying to get at. But in several years.</b>
15:07:10 10	<b>May have been 2003, four -- no, not three; four or five, maybe six. I don't remember. But all of these are in my personal capacity. TiZA had nothing to do with this.</b>	15:10:39 10	
15:07:15 11		15:10:42 11	Q. Can you identify any year, specific year in which either of those holidays fell during the school year?
15:07:18 12		15:10:45 12	
15:07:22 13	Q. Please look at matter number 2.	15:10:48 13	<b>A. So in this year both these holidays will fall in the school year to the best of my understanding.</b>
15:07:32 14	<b>A. (Reviews document.)</b>	15:10:48 14	
15:07:32 15		15:10:51 15	Q. And what month will they fall in this year?
15:07:52 16	<b>Q. What written communications did TiZA ever provide to any of those groups of people, teachers, staff, students or parents, about prayer at the school?</b>	15:10:55 16	
15:07:56 17		15:10:57 17	<b>A. I'm not sure. I think one will fall in February. The other probably in May. I'd have to go check.</b>
15:08:01 18	<b>A. I believe the written communication would consist of copies of the U.S. Guidance on Constitutionally Protected Prayer that was given to us by the Department of Education on multiple occasions.</b>	15:11:03 18	
15:08:04 19		15:11:06 19	Q. Is any acknowledgment made at TiZA of
15:08:09 20		15:11:06 20	
15:08:14 21		15:11:10 21	
15:08:22 22		15:11:11 22	
15:08:25 23		15:11:17 23	
15:08:28 24		15:11:22 24	
15:08:29 25	Q. And you distributed that document to who	15:11:23 25	
Page 781		Page 783	
15:08:35 1	exactly?	15:11:27 1	those two holidays?
15:08:36 2	<b>A. Well, at the first -- well, I -- at times to -- I don't remember exactly who, when. But at times we distributed it to TiZA leadership. And at other times we distributed it to all teachers.</b>	15:11:28 2	<b>A. Not to the best of my knowledge.</b>
15:08:42 3		15:11:31 3	Q. Are you aware of whether American Muslims typically celebrate those holidays?
15:08:45 4		15:11:34 4	<b>A. They do. Yes, I'm aware that they do.</b>
15:08:49 5		15:11:38 5	Q. Are you aware of whether Islamic schools in the United States do not hold school during those holidays?
15:08:52 6		15:11:42 6	
15:08:54 7	Q. What written communications apart from the calendars themselves were ever provided to any of those sets of people about the school calendar or the reasons for the choice of holidays?	15:11:45 7	<b>A. Some of them don't.</b>
15:08:59 8		15:11:51 8	Q. And can you identify any Islamic school in the United States that doesn't hold school during those holidays?
15:09:01 9		15:11:52 9	
15:09:04 10	<b>A. There may exist emails between staff about the calendar as it was being developed by the staff committee.</b>	15:11:54 10	<b>A. I cannot be sure as to which one does and does not. I'd have to look and get back to you.</b>
15:09:11 11		15:11:56 11	
15:09:13 12	Q. Do you know for sure whether they exist?	15:12:00 12	Q. You know very well you're not going to get back to me, don't you, Mr. Zaman?
15:09:17 13	<b>A. I don't know for sure.</b>	15:12:08 13	MR. AZMAN: Object to the form, argumentative.
15:09:20 14		15:12:12 14	BY MR. LANCASTER:
15:09:21 15	Q. Is there any Muslim holiday that TiZA's calendar does not reference?	15:12:15 15	
15:09:27 16	<b>A. Yes.</b>	15:12:15 16	Q. Was there a reason why you said that when you knew that you weren't going to get back to me, Mr. Zaman?
15:09:28 17		15:12:18 17	
15:09:43 18	Q. What is that?	15:12:21 18	MR. AZMAN: Object to the form.
15:09:45 19		15:12:22 19	THE WITNESS: What are you trying to
15:09:46 20	<b>A. In many Muslim countries Muslims celebrate a festival called Eid Mawlid al-Nabi. And in other -- and in -- also in many Muslim countries Muslims celebrate a holiday called isla naraj. Neither of these are provided in</b>	15:12:23 20	
15:09:48 21		15:12:23 21	
15:09:53 22		15:12:25 22	
15:09:59 23		15:12:29 23	
15:10:03 24		15:12:30 24	
15:10:10 25		15:12:30 25	

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15:12:32	1	get at?	15:15:03	1	that Islam prohibits, aren't there?
15:12:33	2	BY MR. LANCASTER:	15:15:05	2	<b>A. Pork and pork byproducts.</b>
15:12:33	3	Q. I'm trying to get at what was clearly a	15:15:08	3	Q. And are any pork or pork byproducts ever
15:12:33	4	misleading statement that you just made. And	15:15:12	4	purchased by TiZA?
15:12:34	5	I'm trying to encourage you not to do that.	15:15:13	5	<b>A. Not to the best of my knowledge.</b>
15:12:36	6	MR. AZMAN: Object to the form.	15:15:14	6	Q. Please look at topic number 9.
15:12:37	7	Move to strike. It's argumentative.	15:15:33	7	<b>A. (Reviews document.)</b>
15:12:38	8	Don't answer that question.	15:15:35	8	<b>Q. What efforts, if any, has -- have you or</b>
15:12:40	9	BY MR. LANCASTER:	15:15:44	9	<b>others at TiZA made to identify, collect and</b>
15:12:47	10	Q. What requirements with respect to halal	15:15:48	10	<b>produce documents relating to our discovery</b>
15:12:50	11	food does TiZA require?	15:15:52	11	<b>requests since the time of your last</b>
15:12:56	12	<b>A. To who?</b>	15:15:55	12	<b>deposition?</b>
15:12:59	13	Q. To food providers, whether outside the	15:15:58	13	<b>A. Since the time of my last deposition?</b>
15:13:02	14	school or inside the school.	15:16:00	14	Q. That's what I said.
15:13:11	15	<b>A. TiZA has not established any halal food</b>	15:16:02	15	<b>A. Since the time of my last deposition I</b>
15:13:15	16	<b>requirements to its food vendors to the best of</b>	15:16:09	16	<b>have personally provided my laptop to counsel.</b>
15:13:17	17	<b>my knowledge.</b>	15:16:12	17	<b>I have gone through my emails. To the best of</b>
15:13:20	18	Q. Does TiZA buy its food from vendors that	15:16:17	18	<b>my knowledge, Dr. Mahrous has also gone through</b>
15:13:31	19	have Muslim ties?	15:16:22	19	<b>his emails and provided many of them to</b>
15:13:38	20	<b>A. On some occasions that has happened.</b>	15:16:25	20	<b>counsel. Several TiZA staff members</b>
15:13:40	21	Q. Could you identify food vendors that	15:16:28	21	<b>participated in providing specific documents</b>
15:13:43	22	have no Muslim ties from which TiZA has	15:16:32	22	<b>that counsel asked us to hunt down. That's</b>
15:13:47	23	purchased food?	15:16:38	23	<b>what comes to mind at present.</b>
15:13:48	24	<b>A. Yes.</b>	15:16:40	24	Q. And so you recall generally that your
15:13:48	25	Q. Please do so.	15:16:44	25	last deposition was August 25th, 2010?
		Page 785			Page 787
15:13:50	1	<b>A. The bulk of TiZA foods is purchased from</b>	15:16:47	1	<b>A. That sounds about right.</b>
15:13:53	2	<b>U.S. Foods and Restaurant Depot. To the best</b>	15:16:48	2	Q. And so from that time to the present is
15:13:57	3	<b>of my knowledge, these are not tied to the --</b>	15:16:54	3	six or seven weeks, correct?
15:14:02	4	<b>to Muslims.</b>	15:16:57	4	<b>A. Sure.</b>
15:14:03	5	Q. And are there any requirements or	15:16:57	5	Q. And what is the approximate volume of
15:14:08	6	guidelines that TiZA has ever provided to U.S.	15:17:00	6	documents that you and others at TiZA have
15:14:12	7	Foods and restaurant depot with respect to the	15:17:03	7	provided your counsel in response to our
15:14:16	8	food that it buys?	15:17:05	8	requests since that time?
15:14:18	9	<b>A. Not to the best of my knowledge.</b>	15:17:08	9	<b>A. I wouldn't hazard a guess.</b>
15:14:20	10	Q. Does TiZA ever buy meat from that	15:17:14	10	Q. I'm asking you as the representative of
15:14:24	11	organization?	15:17:17	11	the school to provide your best estimate of the
15:14:25	12	<b>A. From Restaurant Depot?</b>	15:17:19	12	volume of documents produced.
15:14:27	13	Q. Right.	15:17:25	13	<b>A. I'd say it was over 500 documents, but</b>
15:14:28	14	<b>A. Yes.</b>	15:17:29	14	<b>perhaps it was a lot more than that.</b>
15:14:29	15	Q. Does TiZA ever buy pork from that	15:17:31	15	Q. And how about you personally, how many
15:14:32	16	organization?	15:17:34	16	documents have you personally provided to your
15:14:32	17	<b>A. Not to the best of my knowledge.</b>	15:17:37	17	counsel since around August 25th, 2010?
15:14:35	18	Q. Does TiZA ever buy any food that Islamic	15:17:42	18	<b>A. Hundreds of documents, if not more.</b>
15:14:41	19	practice forbids Muslims to eat?	15:17:44	19	Q. Well, so you've provided hundreds, but
15:14:44	20	<b>A. To the best of my knowledge, the foods</b>	15:17:48	20	TiZA as a whole has provided 500 or more?
15:14:52	21	<b>that are prohibited in Islamic practice are</b>	15:17:53	21	<b>A. Yes.</b>
15:14:55	22	<b>pork and alcohol. And to the best of my</b>	15:17:54	22	Q. And of those at least 500 how many are
15:14:57	23	<b>knowledge, TiZA has not purchased either of</b>	15:18:00	23	you saying that you provided?
15:14:59	24	<b>those two.</b>	15:18:04	24	<b>A. I believe I began this entire section by</b>
15:15:00	25	Q. Well, there are foods other than pork	15:18:07	25	<b>telling you I do not know. And I'm not sure</b>

Page 816		Page 818	
15:56:30	1	15:58:51	1
15:56:32	2	15:59:01	2
15:56:40	3	15:59:04	3
15:56:44	4	15:59:09	4
15:56:47	5	15:59:16	5
15:56:50	6	15:59:18	6
15:56:53	7	15:59:26	7
15:56:55	8	15:59:30	8
15:56:57	9	15:59:34	9
15:56:59	10	15:59:37	10
15:57:01	11	15:59:40	11
15:57:06	12	15:59:42	12
15:57:09	13	15:59:45	13
15:57:12	14	15:59:47	14
15:57:13	15	15:59:48	15
15:57:14	16	15:59:50	16
15:57:16	17	15:59:50	17
15:57:17	18	15:59:53	18
15:57:23	19	15:59:57	19
15:57:27	20	16:00:02	20
15:57:31	21	16:00:04	21
15:57:33	22	16:00:08	22
15:57:35	23	16:00:10	23
15:57:37	24	16:00:13	24
15:57:40	25	16:00:15	25
Page 817		Page 819	
15:57:43	1	16:00:20	1
15:57:48	2	16:00:25	2
15:57:51	3	16:00:29	3
15:57:53	4	16:00:34	4
15:57:54	5	16:00:40	5
15:57:54	6	16:00:44	6
15:57:56	7	16:00:47	7
15:58:03	8	16:00:49	8
15:58:05	9	16:00:50	9
15:58:09	10	16:00:50	10
15:58:11	11	16:00:51	11
15:58:13	12	16:00:53	12
15:58:18	13	16:00:57	13
15:58:18	14	16:01:02	14
15:58:18	15	16:01:08	15
15:58:19	16	16:01:11	16
15:58:19	17	16:01:16	17
15:58:21	18	16:01:21	18
15:58:28	19	16:01:25	19
15:58:31	20	16:01:29	20
15:58:34	21	16:01:32	21
15:58:37	22	16:01:34	22
15:58:41	23	16:01:39	23
15:58:48	24	16:01:43	24
15:58:50	25	16:01:46	25

enough by Islamic Relief to make it clear that this was needed.

Q. And TiZA voluntarily entered into the contract despite those negotiations?

**A. TiZA -- from Islamic Relief's perspective one may say that. TiZA had no other choice. We were in the middle of a lawsuit. This is not the right time to look for a new sponsor.**

Q. And, in fact, in 2009, after a lawsuit was filed, TiZA tried to strip away the indemnification provision that was a safeguard for Islamic Relief USA, isn't that contract?

MR. AZMAN: Object to the form, argumentative.

If that invades the attorney/client privilege, don't answer the question.

THE WITNESS: I can tell you this, that a draft that we proposed did not have that language and at the insistence of Islamic Relief it was reinserted.

BY MR. OBITS:

Q. So but previous -- the previous 2003 and 2006 drafts both had an indemnification hold-harmless provision for Islamic Relief USA,

but the 2009 draft that TiZA submitted to Islamic Relief USA for consideration had that taken out of it, is that correct?

MR. AZMAN: Objection, asked and answered.

THE WITNESS: That was the proposal.

BY MR. OBITS:

Q. Okay. The third affirmative defense is the doctrine of unclean hands. Do you know what the doctrine of unclean hands is?

**A. I am sorry. I'm not a lawyer.**

Q. It's not an issue related to Wudu, correct?

**A. I hope not.**

Q. I should hope not?

**A. No.**

Q. Okay. Do you know of anything that IRUSA did that was wrong related to its desire to receive indemnification?

**A. I don't think it is wrong for Islamic Relief to desire indemnification. But that does not negate the fact that TiZA had basically no other choice. But we are not alleging that Islamic Relief did anything illegal.**

Q. Has Islamic Relief USA provided any document to TiZA in writing stating that it would waive section 5.4 of any of the three contracts?

**A. Not to the best of my recollection.**

Q. Number 8 of the affirmative defenses, it's a failure to join indispensable parties. And I'll proffer to you that indispensable parties means a party that is necessary for there to be a just adjudication of the merits of the cross-claim.

Who is that indispensable party that IRUSA failed to join?

MR. AZMAN: Object to the form.

You can answer if you know.

THE WITNESS: I don't know. But I will tell you this, that after the lawsuit was filed, TiZA tendered to Islamic Relief an offer to defend Islamic Relief at no cost to Islamic Relief by the counsel of TiZA. Just like the TiZA counsel represents TiZA and the six individuals, we proposed to have the TiZA counsel represent TiZA, the six individuals and Islamic Relief.

I will also inform you that the CEO

of Islamic Relief verbally accepted this. And the board chair of Islamic Relief accepted this arrangement. And later on we came to learn that your good offices were retained instead notwithstanding this verbal understanding. As to whether or not that constitutes whatever you read, which I don't understand because I'm not a lawyer --

BY MR. OBITS:

Q. Uh-huh.

**A. -- I don't know.**

Q. And then sometime thereafter, do you recall a letter being sent by Islamic Relief USA to TiZA requesting that -- sorry, strike that, a letter from Islamic Relief USA to TiZA invoking section 5.4 of the contract and tendering the defense to TiZA, which then was rejected by TiZA?

**A. No, I do not recollect that. Could you show me that document? That is surprising.**

Q. But if that document exists, you don't believe you saw that document?

**A. What exactly does the document say?**

Q. It says something to the effect that Islamic Relief USA hereby invokes section 5.4

Page 820		Page 822	
16:01:49	1 of the agreement and requests that TiZA	16:04:16	1 said pound sand.
16:01:52	2 indemnifies it and holds it harmless.	16:04:17	2 Q. Or something to that effect.
16:02:00	3 <b>A. I'd have to look at the document. But</b>	16:04:20	3 <b>A. I'd need to see the letter first before</b>
16:02:02	4 <b>in any case, we offered to provide a legal</b>	16:04:24	4 <b>I could react to that.</b>
16:02:05	5 <b>defense to TiZA -- to Islamic Relief long</b>	16:04:25	5 Q. So you don't know either way?
16:02:08	6 <b>before such a document -- long before you</b>	16:04:26	6 <b>A. Correct.</b>
16:02:10	7 <b>actually came to the case.</b>	16:04:31	7 MR. OBITS: That's all I have.
16:02:12	8 Q. Okay. So you do not recall whether or	16:04:33	8 THE WITNESS: Thank you, sir.
16:02:14	9 not you ever saw that document personally?	16:04:33	9 MR. AZMAN: Can we take a short
16:02:17	10 <b>A. I do not recollect that. I need to look</b>	16:04:35	10 break?
16:02:19	11 <b>at the document.</b>	16:04:35	11 THE VIDEOGRAPHER: We are going off
16:02:20	12 Q. And do you recall whether or not TiZA	16:04:37	12 the record.
16:02:25	13 responded, either by itself or through its	16:04:37	13 The time is 4:04 p.m.
16:02:28	14 attorneys, to Islamic Relief USA denying that	16:05:01	14 (Recess.)
16:02:34	15 tender?	16:28:04	15 THE VIDEOGRAPHER: We are back on
16:02:35	16 <b>A. If TiZA did, TiZA would have reiterated</b>	16:28:20	16 the record. This marks the beginning of
16:02:41	17 <b>its offer to have our counsel represent Islamic</b>	16:28:21	17 videotape number 4 in the deposition of
16:02:45	18 <b>Relief, which, by the way, is still available</b>	16:28:26	18 Asad Zaman, Volume 3.
16:02:49	19 <b>to you till now.</b>	16:28:27	19 The time is 4:28 p.m.
16:02:51	20 Q. But that, in fact, did not -- that did	16:28:27	20
16:02:53	21 not occur, did it?	16:28:27	21 EXAMINATION
16:02:54	22 <b>A. What?</b>	16:28:34	22
16:02:54	23 Q. In fact, there was a denial of	16:28:34	23 BY MS. GRONVALL:
16:02:57	24 section 5.4 by TiZA to Islamic Relief USA?	16:28:34	24 Q. Good afternoon, Mr. Zaman. I'm
16:03:00	25 <b>A. I'm telling you, sir, Islamic Relief was</b>	16:28:35	25 Tamar Gronvall representing the Commissioner of
Page 821		Page 823	
16:03:04	1 <b>offered to be defended by the counsel of TiZA</b>	16:28:36	1 Education in this case.
16:03:08	2 <b>verbally within hours of the lawsuit being</b>	16:28:37	2 <b>A. Good afternoon.</b>
16:03:11	3 <b>filed and it was subsequently repeated again.</b>	16:28:39	3 MR. AZMAN: Will this be with
16:03:15	4 <b>And I'm repeating to you right now --</b>	16:28:40	4 Mr. Zaman personally or under a rule -- one of
16:03:15	5 Q. Uh-huh.	16:28:43	5 these two Rule 30(b)(6)s?
16:03:18	6 <b>A. -- that TiZA is willing right now, no</b>	16:28:47	6 MS. GRONVALL: Probably a little bit
16:03:23	7 <b>questions asked, to take over the defense of</b>	16:28:50	7 of both.
16:03:27	8 <b>Islamic Relief from the claims made by the</b>	16:28:51	8 MR. AZMAN: Can you -- I mean, I
16:03:29	9 <b>ACLU.</b>	16:28:52	9 don't have an opinion one way or the other.
16:03:30	10 <b>As to your claims against TiZA, TiZA is</b>	16:28:53	10 But just kind of let us know so the record's
16:03:32	11 <b>not going to defend you for that. But other</b>	16:28:57	11 clear.
16:03:34	12 <b>than that, we are willing till now, right now.</b>	16:28:57	12 BY MS. GRONVALL:
16:03:39	13 Q. I'm asking in response to the letter	16:29:02	13 Q. Mr. Zaman, if you could point your
16:03:42	14 from Islamic Relief USA to TiZA related to	16:29:05	14 attention to Exhibit 422.
16:03:48	15 invocation of section 5.4 of the contract, was	16:29:05	15 <b>A. (Complies.)</b>
16:03:56	16 there ever any written response by TiZA to that	16:29:42	16 <b>Q. Do you have the document in front of</b>
16:03:59	17 letter?	16:29:43	17 <b>you, Mr. Zaman?</b>
16:03:59	18 <b>A. I don't know. I'd have to look at the</b>	16:29:44	18 <b>A. Yes.</b>
16:04:02	19 <b>letter and its response.</b>	16:29:45	19 Q. I'll point your attention to the first
16:04:03	20 Q. In fact, there never was a response?	16:29:47	20 page -- or excuse me, the Bates on the bottom
16:04:06	21 MR. AZMAN: Objection. I'm not sure	16:29:49	21 is 1233.
16:04:07	22 there's a question.	16:29:51	22 <b>A. 1233? Affidavit of intent to sponsor?</b>
16:04:08	23 BY MR. OBITS:	16:29:57	23 Q. Yes.
16:04:08	24 Q. Other than a pound sand?	16:29:58	24 <b>A. Okay.</b>
16:04:13	25 <b>A. I don't know if our lawyers would have</b>	16:29:58	25 Q. If you could look at section 1d. Do you

		Page 856			Page 858
17:09:40	1	Progress tests ever been given at TiZA?	17:12:25	1	administered the test. I think it's called the
17:09:46	2	<b>A. No.</b>	17:12:31	2	ILP or ILT or -- there is an ESL test that is
17:09:47	3	Q. Do you know what those tests are NAEP	17:12:38	3	administered that determines whether the person
17:09:51	4	tests?	17:12:41	4	is or is not an ELL student.
17:09:51	5	<b>A. Yes, we were randomly selected to be</b>	17:12:44	5	Q. And who is responsible for assessing the
17:09:55	6	<b>tested for that this year.</b>	17:12:48	6	test results and making the decision as to
17:09:57	7	Q. And so those tests will be given during	17:12:51	7	whether a student is going to be classified as
17:10:00	8	the 2010-2011 academic year?	17:12:55	8	an ESL student?
17:10:04	9	<b>A. I believe so.</b>	17:12:57	9	<b>A. There is actually very little</b>
17:10:04	10	Q. Who is it at TiZA -- let's start with	17:12:59	10	<b>decision-making. The test is administered</b>
17:10:14	11	the Inver Grove Heights campus -- is	17:13:03	11	<b>sometimes by an aide, sometimes by a teacher of</b>
17:10:16	12	responsible for ensuring that neither teachers	17:13:07	12	<b>the classroom, sometimes by the ESL department</b>
17:10:19	13	nor students get access to the state tests	17:13:10	13	<b>staff. In any case, once the test is scored,</b>
17:10:23	14	before they are given to the students?	17:13:10	14	<b>there really is no decision to make. There's a</b>
17:10:26	15	<b>A. That responsibility on both campuses</b>	17:13:15	15	<b>cutoff score that is recommended by the test.</b>
17:10:28	16	<b>rests with the district assessment coordinator.</b>	17:13:17	16	<b>Those who are above the cutoff are not ESL.</b>
17:10:31	17	Q. Who has that been throughout TiZA's	17:13:21	17	<b>And those who are below the cutoff are ESL.</b>
17:10:35	18	history?	17:13:24	18	Q. Is there anyone at the State who is
17:10:35	19	<b>A. In the past it used to be Magdy. For</b>	17:13:27	19	involved in deciding what individual students
17:10:37	20	<b>this year and the last year it has been Wendy</b>	17:13:31	20	should be classified as ESL students?
17:10:42	21	<b>Swanson-Choi.</b>	17:13:33	21	<b>A. No, I don't think that is the State</b>
17:10:42	22	Q. And that's -- in each case they have	17:13:35	22	<b>function.</b>
17:10:45	23	been responsibility for that job for both	17:13:36	23	Q. Is there anyone at the State who checks
17:10:47	24	campuses?	17:13:39	24	the determinations that TiZA makes with respect
17:10:47	25	<b>A. Yes.</b>	17:13:41	25	to classifying students as ESL?
		Page 857			Page 859
17:10:47	1	Q. Who at TiZA is responsible for ensuring	17:13:44	1	<b>A. I don't know.</b>
17:10:58	2	that copies of the tests are not made and	17:13:53	2	Q. Can you identify any individual at TiZA
17:11:01	3	retained after the tests are given?	17:13:55	3	who has ultimate responsibility for determining
17:11:04	4	<b>A. That would be the DAC's responsibility.</b>	17:14:00	4	whether a student is going to be an ESL student
17:11:08	5	Q. Whose responsibility?	17:14:04	5	independent of how easy or mechanical that
17:11:09	6	<b>A. DAC, district assessment coordinator.</b>	17:14:07	6	decision is?
17:11:13	7	Q. So the same people you were just	17:14:08	7	<b>A. The ultimate responsibility would belong</b>
17:11:15	8	describing?	17:14:13	8	<b>to the ESL teacher for that class.</b>
17:11:15	9	<b>A. Yes.</b>	17:14:17	9	Q. And how many such teachers have there
17:11:16	10	Q. Who at TiZA decides who is going to take	17:14:20	10	been at TiZA?
17:11:21	11	the MTELL test rather than the ordinary math	17:14:21	11	<b>A. In its history?</b>
17:11:26	12	test?	17:14:23	12	Q. Yes.
17:11:27	13	<b>A. In general students who are ELL take the</b>	17:14:25	13	<b>A. I don't know, maybe five people.</b>
17:11:39	14	<b>MTELL test rather than the MCA test unless the</b>	17:14:29	14	Q. And who were those people?
17:11:47	15	<b>parents object to it and desire to take the MCA</b>	17:14:39	15	<b>A. This is embarrassing. I do not know the</b>
17:11:52	16	<b>test. And when that happens -- officially it's</b>	17:14:42	16	<b>name of the current person. There is an ESL</b>
17:11:56	17	<b>the district that makes the decision. But at a</b>	17:14:46	17	<b>teacher -- there are two ESL teachers now. In</b>
17:11:59	18	<b>practical level, upon conversation with the</b>	17:14:49	18	<b>the past -- well, in fact, it may be more than</b>
17:12:03	19	<b>parent, in general we allow any child who</b>	17:14:54	19	<b>five. It may be ten people. I'm sorry, I</b>
17:12:07	20	<b>wishes to take the MCA to take the MCA instead</b>	17:14:56	20	<b>don't remember the names of the current people.</b>
17:12:12	21	<b>of the MTELL.</b>	17:14:58	21	Q. Can you identify the names of anybody
17:12:13	22	Q. What individual at TiZA decides whether	17:15:01	22	who has in the past made a decision with
17:12:16	23	a student is going to be classified as an ELL	17:15:04	23	respect to classifying students as ESL?
17:12:19	24	student?	17:15:07	24	<b>A. Yes. In the past -- in some occasions</b>
17:12:20	25	<b>A. It would be the staff person who</b>	17:15:10	25	<b>Magdy and/or Wendy have made such decisions.</b>

		Page 884			Page 886
17:49:18	1	Al Rahman mosque in Bloomington, close quote,	17:52:45	1	THE WITNESS: Who is this from?
17:49:28	2	is that correct?	17:52:46	2	BY MR. LANCASTER:
17:49:28	3	<b>A. That is what she says.</b>	17:52:47	3	Q. Have you seen Exhibit 638 before?
17:49:30	4	Q. The question is whether that was	17:53:16	4	<b>A. I don't remember seeing this particular</b>
17:49:30	5	correct.	17:53:21	5	<b>email. What is the date? What is the date?</b>
17:49:32	6	<b>A. That is not correct.</b>	17:53:25	6	Q. Were you aware that a weekend school was
17:49:34	7	Q. How often on Fridays do you leave the	17:53:30	7	launched at the Inver Grove Heights campus
17:49:37	8	school to go to the Al Rahman mosque in	17:53:32	8	before the opening of TiZA?
17:49:41	9	Bloomington?	17:53:34	9	MR. AZMAN: Object to the form.
17:49:42	10	<b>A. Approximately once a month. And I leave</b>	17:53:35	10	THE WITNESS: I believe that is
17:49:44	11	<b>for about two hours.</b>	17:53:40	11	possible that that was the timing.
17:49:48	12	Q. Please look at what will be marked	17:53:41	12	BY MR. LANCASTER:
17:49:50	13	Exhibit 636.	17:53:46	13	Q. Please look at Exhibit 639.
17:49:57	14	THE WITNESS: I should tell you that	17:53:48	14	(Exhibit Number 639 marked for
17:49:59	15	I leave every Friday but not to go to the one	17:53:57	15	identification.)
17:50:02	16	in Bloomington.	17:53:57	16	BY MR. LANCASTER:
17:50:04	17	BY MR. LANCASTER:	17:54:01	17	Q. Exhibit 639 is an email that you sent on
17:50:05	18	Q. So you leave every Friday to go	17:54:03	18	or about March 6, 2003, correct?
17:50:07	19	someplace else?	17:54:20	19	<b>A. I believe so.</b>
17:50:08	20	<b>A. Yes, to say my Friday prayer obligations</b>	17:54:21	20	Q. Please look at Exhibit 640.
17:50:12	21	<b>away from the students.</b>	17:54:34	21	(Exhibit Number 640 marked for
17:50:13	22	Q. For how long are you absent for that?	17:54:35	22	identification.)
17:50:16	23	<b>A. About two hours a day every Friday.</b>	17:54:35	23	BY MR. LANCASTER:
17:50:18	24	Q. Is that in addition to your attendance	17:54:36	24	Q. Exhibit 640 is an email chain, the lead
17:50:22	25	at the Al Rahman mosque or that's -- the Al	17:54:42	25	email of which you sent, is that correct?
		Page 885			Page 887
17:50:27	1	Rahman mosque is where you do the Friday	17:54:49	1	<b>A. Yes.</b>
17:50:30	2	prayers?	17:54:58	2	Q. Please look at Exhibit 641.
17:50:30	3	<b>A. Some weeks I go there, some weeks I go</b>	17:55:10	3	(Exhibit Number 641 marked for
17:50:34	4	<b>somewhere else.</b>	17:55:24	4	identification.)
17:50:34	5	(Exhibit Number 636 marked for	17:55:24	5	BY MR. LANCASTER:
17:50:34	6	identification.)	17:55:29	6	Q. Is Exhibit 641 an email chain that you
17:50:35	7	BY MR. LANCASTER:	17:55:35	7	sent on or around September 11, 2007?
17:50:35	8	Q. And you are looking at --	17:55:38	8	<b>A. I believe so.</b>
17:50:44	9	<b>A. 636.</b>	17:55:51	9	Q. Please look at Exhibit 642.
17:51:02	10	Q. Have you seen this document before?	17:55:55	10	(Exhibit Number 642 marked for
17:51:04	11	<b>A. I have not seen this particular document</b>	17:56:14	11	identification.)
17:51:09	12	<b>before.</b>	17:56:14	12	BY MR. LANCASTER:
17:51:24	13	Q. Please look at Exhibit 637.	17:56:17	13	Q. Is Exhibit 642 an email chain in which
17:51:26	14	(Exhibit Number 637 marked for	17:56:23	14	you participated? I'll have to take a moment
17:51:35	15	identification.)	17:56:33	15	to make sure that you are on here. Actually, I
17:51:35	16	BY MR. LANCASTER:	17:56:42	16	don't see your name on here.
17:51:43	17	Q. Is Exhibit 637 an email chain that you	17:56:45	17	Were you aware of the issue of whether
17:51:48	18	participated in?	17:56:47	18	WCCO could come to the school and videotape
17:52:10	19	<b>A. Yes.</b>	17:56:50	19	what it saw?
17:52:10	20	Q. And that email in the middle of the	17:56:55	20	<b>A. WCCO was permitted to videotape certain</b>
17:52:13	21	first page is an email that you sent?	17:57:09	21	<b>things, activities in TiZA subject to very</b>
17:52:15	22	<b>A. Yes.</b>	17:57:13	22	<b>strict parameters, which included specific</b>
17:52:21	23	Q. Please look at Exhibit 638.	17:57:16	23	<b>children that they were allowed to tape.</b>
17:52:25	24	(Exhibit Number 638 marked for	17:57:20	24	Q. And did you obtain or did someone obtain
17:52:25	25	identification.)	17:57:24	25	releases from those children or their parents

## **EXHIBIT 10**

to the Declaration of Shamus P. O'Meara

<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 DISTRICT OF MINNESOTA</p> <p>3</p> <p>4</p> <p>5 Court File No. 09-cv-00138</p> <p>6</p> <p>7 AMERICAN CIVIL LIBERTIES UNION OF</p> <p>8 MINNESOTA,</p> <p>9 Plaintiff,</p> <p>10 vs.</p> <p>11 TAREK IBN ZIYAD ACADEMY, et al.,</p> <p>12 Defendants.</p> <p>13</p> <p>14</p> <p>15</p> <p>16 DEPOSITION OF</p> <p>17 MAGDY RABEAA</p> <p>18 Taken on Wednesday, August 18, 2010</p> <p>19 Scheduled for 9:00 a.m.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 REPORTED BY: Dana S. Anderson-Linnell</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Defendants Tarek Ibn Ziyad Academy,</p> <p>4 Asad Zaman, Asif Rahman, Mahrous Kandil, Mona</p> <p>5 Elnahrawy, Moira Fahey and Mohamed Farid:</p> <p>6 Mark R. Azman, Esquire</p> <p>7 JOHNSON &amp; CONDON</p> <p>8 7401 Metro Boulevard, Suite 600</p> <p>9 Minneapolis, MN 55439-3034</p> <p>10 Phone: 952.831.6544</p> <p>11 Email: mra@johnson-condon.com</p> <p>12</p> <p>13</p> <p>14 On Behalf of Defendant Islamic Relief USA:</p> <p>15 Timothy R. Obitts, Esquire</p> <p>16 GAMMON &amp; GRANGE, P.C.</p> <p>17 Seventh Floor</p> <p>18 8280 Greensboro Drive</p> <p>19 McLean, VA 22102</p> <p>20 Phone: 703.761.5000</p> <p>21 Email: tro@gg-law.com</p> <p>22</p> <p>23</p> <p>24 (Appearances continued on the next page.)</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 DEPOSITION OF MAGDY RABEAA, taken on Wednesday,</p> <p>2 August 18th, 2010, commencing at 9:03 a.m. at the</p> <p>3 offices of Dorsey and Whitney, 50 South Sixth</p> <p>4 Street, Suite 1500, Minneapolis, Minnesota before</p> <p>5 Dana S. Anderson-Linnell, a Notary Public in and of</p> <p>6 the State of Minnesota.</p> <p>7 *****</p> <p>8</p> <p>9 APPEARANCES</p> <p>10</p> <p>11 On Behalf of Plaintiff American Civil Liberties</p> <p>12 Union of Minnesota:</p> <p>13 Katie Pfeifer, Esquire</p> <p>14 Dustin J. Adams, Esquire</p> <p>15 DORSEY &amp; WHITNEY</p> <p>16 50 South Sixth Street, Suite 1500</p> <p>17 Minneapolis, MN 55402</p> <p>18 Phone: 612.340.2600</p> <p>19 Email: pfeifer.katie@dorsey.com</p> <p>20 adams.dustin@dorsey.com</p> <p>21</p> <p>22</p> <p>23</p> <p>24 (Appearances continued on the next page.)</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Defendant Islamic Relief USA:</p> <p>4 Max H. Kieley, Esquire</p> <p>5 KELLY &amp; BERENS, P.A.</p> <p>6 3720 IDS Center</p> <p>7 Minneapolis, MN 55402</p> <p>8 Phone: 612.349.6171</p> <p>9 Email: mkieley@kellyandberens.com</p> <p>10</p> <p>11 On Behalf of Defendant Commissioner of Education:</p> <p>12 Tamar N. Gronvall, Esquire</p> <p>13 MINNESOTA ATTORNEY GENERAL'S OFFICE</p> <p>14 445 Minnesota Street, Suite 900</p> <p>15 St. Paul, MN 55101</p> <p>16 Phone: 651.297.5922</p> <p>17 Email: tamar.gronvall@state.mn.us</p> <p>18</p> <p>19</p> <p>20 ALSO PRESENT: Asad Zaman</p> <p>21</p> <p>22</p> <p>23 NOTE: The original transcript will be filed with</p> <p>24 the Dorsey and Whitney Law Firm, pursuant to the</p> <p>25 applicable Rules of Civil Procedure.</p>



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<p>1 <b>A. He was a military leader who led a group</b>  2 <b>of people from different nationalities and they</b>  3 <b>were in Spain and he helped them to assimilate</b>  4 <b>in that new country.</b>  5 <b>(Asad Zaman enters the deposition.)</b>  6 BY MS. PFEIFER:  7 Q. Where did you learn about Tarek ibn  8 Ziyad?  9 <b>A. I don't remember where exactly I learned</b>  10 <b>about him. I don't remember exactly where I</b>  11 <b>learn about him.</b>  12 Q. Okay. Would it have been in Egypt?  13 <b>A. Maybe, but I'm not sure.</b>  14 Q. Okay. When you learned that the name of  15 the school was going to be Tarek ibn Ziyad  16 Academy did you do any research on this person?  17 <b>A. I don't remember.</b>  18 Q. Did you have any discussion with anybody  19 about why it was going to be named Tarek ibn  20 Ziyad?  21 <b>A. No, I did not.</b>  22 Q. Do you know why that name was chosen?  23 <b>A. No, I did not.</b>  24 Q. You said no, you did not?  25 <b>A. I did not know why that name was chosen.</b></p>	<p>1 <b>A. Most of them I would say are from</b>  2 <b>Somalia, Southeast Asia and a few from the</b>  3 <b>Middle East.</b>  4 Q. Any other cultural backgrounds?  5 <b>A. I'm not sure if I am listing all of them</b>  6 <b>or not. This would be the main categories. We</b>  7 <b>have students that come from like Ethiopia. I</b>  8 <b>don't know what category -- that's not the</b>  9 <b>Middle East. These are the ones that I can</b>  10 <b>list at this time.</b>  11 Q. Does TiZA keep a breakdown of the  12 cultural backgrounds of its students?  13 <b>A. Can you say your question again, please?</b>  14 Q. Sure. Does TiZA document or in any way  15 write down the cultural background of its  16 students?  17 <b>A. In some MDE reports it is a required</b>  18 <b>condition -- not the cultural background, the</b>  19 <b>ethnicity of the students.</b>  20 Q. You had said that -- I don't know if you  21 said majority, but you said many of the  22 students come from Somalia. I'm wondering how  23 you know that.  24 <b>A. Because I see their parents at the</b>  25 <b>school and I see them speaking sometimes with</b></p>
Page 46	Page 48
<p>1 Q. Do you know now why it was chosen?  2 <b>A. I think I may know now, yes.</b>  3 Q. What is your understanding about why the  4 name was chosen?  5 <b>A. It's about that this person had a group</b>  6 <b>of people from different cultures and from</b>  7 <b>different backgrounds and they were in a brand</b>  8 <b>new country and he helped them integrate and</b>  9 <b>assimilate in that new country and new culture.</b>  10 <b>And this is one of the purposes of Tarek ibn</b>  11 <b>Ziyad Academy since it serves immigrant</b>  12 <b>students who are new to the country and the</b>  13 <b>culture here and to help them assimilate and</b>  14 <b>integrate into the American fabric.</b>  15 Q. Is there a particular set of immigrant  16 students that Tarek ibn Ziyad focuses on?  17 <b>A. No, there is not.</b>  18 Q. Is there any particular culture that  19 Tarek ibn Ziyad focuses on?  20 <b>A. We serve -- Tarek ibn Ziyad Academy</b>  21 <b>serves the students that are enrolled in TiZA.</b>  22 <b>And the majority of the students that are</b>  23 <b>enrolled in TiZA currently are from certain</b>  24 <b>cultural backgrounds.</b>  25 Q. What cultural backgrounds?</p>	<p>1 <b>each other in Somali.</b>  2 Q. Do you have a sense of how many students  3 are from Somalia percentage-wise?  4 <b>A. I would say for -- and when I'm talking</b>  5 <b>I'm talking about the Inver Grove Heights</b>  6 <b>campus. About 65 percent, 65 to 70 percent of</b>  7 <b>the students in Tarek ibn Ziyad Academy in</b>  8 <b>Inver Grove Heights are Somali.</b>  9 Q. And you just mentioned the Inver Grove.  10 There's another campus, correct?  11 <b>A. Yes, there is.</b>  12 Q. Do you have any role with respect to  13 that campus?  14 <b>A. We work with each other. But the</b>  15 <b>day-to-day affairs of running the campus</b>  16 <b>itself, no.</b>  17 Q. Have you visited the Blaine campus?  18 <b>A. Yes, I did.</b>  19 Q. How many times have you visited the  20 Blaine campus?  21 <b>A. When?</b>  22 Q. Ever.  23 <b>A. Hard to say since it's -- I have been</b>  24 <b>there I would say between 50 to a hundred</b>  25 <b>times.</b></p>

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<p>1 Mr. Adam was taking part in?</p> <p>2 <b>A. I would be under the assumption that</b></p> <p>3 <b>this was with Muslim American Society of</b></p> <p>4 <b>Minnesota.</b></p> <p>5 Q. And what does Muslim American Society of</p> <p>6 Minnesota provide after school at TiZA?</p> <p>7 <b>A. There are three different organizations</b></p> <p>8 <b>that come from outside --</b></p> <p>9 Q. My question is simply to Muslim American</p> <p>10 Society of Minnesota. What do they provide</p> <p>11 after school?</p> <p>12 <b>A. There are three different organizations</b></p> <p>13 <b>that come and provide after-school programs in</b></p> <p>14 <b>Tarek ibn Ziyad Academy to Tarek ibn Ziyad</b></p> <p>15 <b>Academy students. Among them is Muslim</b></p> <p>16 <b>American Society, and they provide Islamic</b></p> <p>17 <b>after-school programs. And there is Boy Scouts</b></p> <p>18 <b>and Girl Scouts that provide programs at TiZA</b></p> <p>19 <b>as well.</b></p> <p>20 Q. Again, I'm limiting it to what Muslim</p> <p>21 American Society provides. Do they provide the</p> <p>22 Girl Scouts program?</p> <p>23 <b>A. No, they do not.</b></p> <p>24 Q. Do they provide the Boy Scouts program?</p> <p>25 <b>A. No, they do not.</b></p>	<p>1 <b>A. No.</b></p> <p>2 Q. As assistant director what are you doing</p> <p>3 in that 3:30 to 4:30 time period?</p> <p>4 <b>A. This is a time where it's a prep time</b></p> <p>5 <b>for TiZA teachers and people who choose to --</b></p> <p>6 Q. I'm asking what you do. That's all I'm</p> <p>7 asking.</p> <p>8 <b>A. I'm going to come to that. This time is</b></p> <p>9 <b>a prep time for TiZA teachers. And people who</b></p> <p>10 <b>choose to do anything else beside prepping for</b></p> <p>11 <b>the next day or wrapping up some of their work,</b></p> <p>12 <b>they go and work with either TiZA after-school</b></p> <p>13 <b>program activities and they get paid extra for</b></p> <p>14 <b>that. And people who choose to volunteer their</b></p> <p>15 <b>time or work for another organization outside</b></p> <p>16 <b>also, they are free to do so. And what I do in</b></p> <p>17 <b>that time, usually I just make sure that TiZA</b></p> <p>18 <b>activities are running properly. And at that</b></p> <p>19 <b>time some parents come to pick their students</b></p> <p>20 <b>from the school and I make myself available for</b></p> <p>21 <b>them to meet with them at that time.</b></p> <p>22 Q. So you said that the TiZA teachers who</p> <p>23 work in the after-school activities that are</p> <p>24 TiZA sponsored get paid extra?</p> <p>25 <b>A. Yes.</b></p>
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<p>1 Q. How many days a week does the Islamic</p> <p>2 after-school program go on?</p> <p>3 <b>A. I would say every day.</b></p> <p>4 Q. Do you have any role?</p> <p>5 <b>A. No, I do not.</b></p> <p>6 Q. Do you know if other TiZA staff or</p> <p>7 teachers other than Mr. Adam have a role in the</p> <p>8 Muslim American Society Islamic after-school</p> <p>9 program?</p> <p>10 <b>A. I know of Mona Elnahrawy. She teaches</b></p> <p>11 <b>in the after-school program provided by Muslim</b></p> <p>12 <b>American Society.</b></p> <p>13 Q. Anybody else?</p> <p>14 <b>A. I would say maybe Shabaan also teaches</b></p> <p>15 <b>in the Islamic after-school program.</b></p> <p>16 Q. Anybody else?</p> <p>17 <b>A. These would be the people that I can</b></p> <p>18 <b>remember at this time.</b></p> <p>19 Q. So those three individuals, Mr. Adam,</p> <p>20 Mona Elnahrawy and Shabaan, they're all three</p> <p>21 employed by TiZA?</p> <p>22 <b>A. Yes, they are.</b></p> <p>23 Q. Have they had to get special permission</p> <p>24 from TiZA in order to teach this after-school</p> <p>25 program?</p>	<p>1 Q. Where is the record of that, their</p> <p>2 paychecks?</p> <p>3 <b>A. Would be their paychecks.</b></p> <p>4 Q. Is there any differentiation in their</p> <p>5 hours, they have to put down their hours for</p> <p>6 the TiZA after-school activities?</p> <p>7 <b>A. Yes, they do.</b></p> <p>8 Q. And who do they give that to?</p> <p>9 <b>A. To the HR person.</b></p> <p>10 Q. Is there some sort of different code or</p> <p>11 something that they have to -- let me back up.</p> <p>12 Are there time sheets done</p> <p>13 electronically?</p> <p>14 <b>A. Not electronically. There is a sheet</b></p> <p>15 <b>that is given to each one to document their</b></p> <p>16 <b>hours that they worked in the after-school</b></p> <p>17 <b>programs.</b></p> <p>18 Q. Do you have copies -- does TiZA keep</p> <p>19 copies of those?</p> <p>20 <b>A. I am not sure if Randa keeps them or</b></p> <p>21 <b>not.</b></p> <p>22 MR. AZMAN: Do you want to take a</p> <p>23 lunch break, Katie?</p> <p>24 MS. PFEIFER: Can I just finish a</p> <p>25 couple questions?</p>

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<p>1 MR. AZMAN: Yeah.</p> <p>2 BY MS. PFEIFER:</p> <p>3 Q. Is there any different indication on the</p> <p>4 paycheck what is the payment for work as an</p> <p>5 employee of TiZA in the normal, I guess, school</p> <p>6 day and then what is the after-school hours?</p> <p>7 <b>A. I'm not sure how it would show on their</b></p> <p>8 <b>paycheck. But I'm sure that some of them,</b></p> <p>9 <b>maybe the amount that they would receive may</b></p> <p>10 <b>fluctuate from month to month depending on the</b></p> <p>11 <b>hours that they worked in the TiZA after-school</b></p> <p>12 <b>program.</b></p> <p>13 Q. Does TiZA pay its employees -- well,</p> <p>14 back up.</p> <p>15 What TiZA after-school programs are</p> <p>16 compensated?</p> <p>17 <b>A. One hour.</b></p> <p>18 Q. What ones? What after-school programs?</p> <p>19 <b>A. Can you restate your question again,</b></p> <p>20 <b>please?</b></p> <p>21 Q. Is it just a broad after-school program</p> <p>22 or are there specific programs?</p> <p>23 <b>A. No, there are specific programs. There</b></p> <p>24 <b>is like a homework help. There is a reading</b></p> <p>25 <b>club. There were like a program to study about</b></p>	<p>1 Q. Okay. Do the teachers have to report to</p> <p>2 you at all how they intend to spend that hour?</p> <p>3 <b>A. No, they don't. And it's not an hour.</b></p> <p>4 <b>It's a period of 45 minutes.</b></p> <p>5 Q. I thought you had said an hour.</p> <p>6 <b>A. The pay is for an hour.</b></p> <p>7 Q. I see. The period -- they work</p> <p>8 45 minutes, they get an hour's pay?</p> <p>9 <b>A. (No verbal response.)</b></p> <p>10 MR. AZMAN: Is that right?</p> <p>11 THE WITNESS: Yes.</p> <p>12 MS. PFEIFER: Okay.</p> <p>13 MR. AZMAN: Break time?</p> <p>14 MS. PFEIFER: Yeah.</p> <p>15 (Lunch break taken at 12:19 p.m.)</p>
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<p>1 <b>different countries and cultures. There was a</b></p> <p>2 <b>program about crafts and art. There was an</b></p> <p>3 <b>athletic program.</b></p> <p>4 Q. And are all of those compensated?</p> <p>5 <b>A. Yes, all of them are compensated.</b></p> <p>6 Q. So the only ones -- and TiZA is the one</p> <p>7 that compensates for those programs?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. At an hourly rate?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. And how much an hour?</p> <p>12 <b>A. I'm not sure if it's \$12 or \$15 an hour.</b></p> <p>13 Q. And then the other three that you've</p> <p>14 said is the Boy Scouts, Girl Scouts and Muslim</p> <p>15 American Society. If people don't -- if</p> <p>16 employees don't take part in either one of</p> <p>17 those, are they still required to be at the</p> <p>18 school until 4:30?</p> <p>19 <b>A. Yes, they are.</b></p> <p>20 Q. What are they supposed to be doing?</p> <p>21 <b>A. Some of them will have that as a prep</b></p> <p>22 <b>time and they would finish some grading or plan</b></p> <p>23 <b>for the next day. And then after that they</b></p> <p>24 <b>would help in getting the students to the</b></p> <p>25 <b>buses.</b></p>	<p>1 AFTERNOON SESSION, 1:05 p.m.</p> <p>2</p> <p>3 BY MS. PFEIFER:</p> <p>4 Q. Mr. Rabeaa, earlier we had talked about</p> <p>5 PTO meetings, parent-teacher meetings. You</p> <p>6 said, I believe, they're held seven, eight</p> <p>7 times a year. Is that about right?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. Is -- are they held on weekends or after</p> <p>10 school?</p> <p>11 <b>A. After school.</b></p> <p>12 Q. Directly after school?</p> <p>13 <b>A. Last year, if I remember correctly, they</b></p> <p>14 <b>were held around 5:30.</b></p> <p>15 Q. Okay. And do students ever attend with</p> <p>16 their parents?</p> <p>17 <b>A. No, they do not.</b></p> <p>18 Q. If students are with their parents, do</p> <p>19 they go someplace else in the building?</p> <p>20 <b>A. Last year, yes, we were trying to -- we</b></p> <p>21 <b>provided some service for the students in a</b></p> <p>22 <b>separate place.</b></p> <p>23 Q. The meetings occur at TiZA?</p> <p>24 <b>A. Yes, they do.</b></p> <p>25 Q. Now, the parent-teacher organization, is</p>

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<p>1 there one for Blaine and one for Inver Grove 2 Heights, if you know? 3 <b>A. I'm not sure about Blaine. But the one</b> 4 <b>that we talked about is for Inver Grove</b> 5 <b>Heights.</b> 6 Q. Now, before the break we had been 7 talking about after-school programs. You gave 8 me five of them. And it was homework help, 9 reading club, study of other cultures, arts and 10 crafts and athletics. 11 Do one of those fit within, I've seen 12 terms, Soaring Comets? 13 <b>A. Yes. There was also a program called</b> 14 <b>Soaring Comets, yes. I forgot to mention that.</b> 15 Q. That's not one of the five, it's a 16 separate program? 17 <b>A. Yes.</b> 18 Q. And what is Soaring Comets? 19 <b>A. It was mainly about like character</b> 20 <b>education.</b> 21 Q. Is that still an option for after-school 22 activities? 23 <b>A. I think that is not in the same form</b> 24 <b>that it used to be provided in Soaring Comets</b> 25 <b>under the Soaring Comets name.</b></p>	<p>1 Q. Is there somebody who's in charge of the 2 after-school programs? 3 <b>A. Yes, there is a TiZA teacher who is in</b> 4 <b>charge of them.</b> 5 Q. And who is that? 6 <b>A. Her name is Heidi Pendroy.</b> 7 Q. And what is Ms. Pendroy's 8 responsibilities with respect to the 9 after-school programs? 10 <b>A. She makes sure that teachers are</b> 11 <b>assigned to these programs. And if some of the</b> 12 <b>teachers -- if one teacher will be absent, she</b> 13 <b>makes sure that there will be a replacement for</b> 14 <b>that teacher there. And she makes sure that</b> 15 <b>people submit -- that these individuals submit</b> 16 <b>their hours to HR before a certain time of the</b> 17 <b>month.</b> 18 Q. When do they have to submit? Is it a 19 set day? 20 <b>A. I would say around maybe the 25th, the</b> 21 <b>26th of the month.</b> 22 Q. Do the students have to sign up for one 23 of the TiZA-sponsored programs? 24 <b>A. There is no form that the students fill</b> 25 <b>to be in a program. But it is known which ones</b></p>
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<p>1 Q. It's not in the same form it used to be 2 provided? 3 <b>A. Yes.</b> 4 Q. Is there something being provided under 5 the Soaring Comets name? 6 <b>A. No, there is not.</b> 7 Q. And what about the CARE program? Have 8 you heard of that? 9 <b>A. Yes, I did.</b> 10 Q. What's that? 11 <b>A. It was a similar way of the Soaring</b> 12 <b>Comets, but the Soaring Comets was a more</b> 13 <b>in-depth program of the CARE program --</b> 14 Q. Do you know what CARE stands for? 15 <b>A. I do not.</b> 16 Q. -- if it stands for anything? 17 <b>A. I'm sure it stands for -- its an</b> 18 <b>acronym, but I cannot remember what it stands</b> 19 <b>for.</b> 20 Q. Okay. Is the CARE program still one of 21 the after-school programs? 22 <b>A. Yes, it is.</b> 23 Q. Now, do teachers get paid for both 24 Soaring Comets and CARE as well by TiZA? 25 <b>A. Yes.</b></p>	<p>1 <b>are -- which students are in what program. And</b> 2 <b>each teacher knows his or her students.</b> 3 Q. So is there any tracking that's done, 4 not necessarily a form, but is there any 5 tracking of which students are going where 6 after school? 7 <b>A. I'm not aware of any tracking that is</b> 8 <b>kept in the school to know which student goes</b> 9 <b>to what program.</b> 10 Q. For those students who are in the 11 TiZA-sponsored programs, in your view, is TiZA 12 responsible for them in that 45 minutes while 13 that after-school program is going on? 14 <b>A. Yes.</b> 15 Q. So how do you ensure that a student 16 doesn't leave? 17 <b>A. Because students are in the building and</b> 18 <b>the doors are locked and students are not</b> 19 <b>allowed to be outside the building unless they</b> 20 <b>are with staff or their parents are there to</b> 21 <b>pick them up.</b> 22 Q. The school doors are locked? 23 <b>A. From outside.</b> 24 Q. The students can get out of the doors 25 though?</p>

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<p>1 <b>A. Yes, I have seen that.</b></p> <p>2 Q. That's not the gymnasium, correct?</p> <p>3 <b>A. It's not.</b></p> <p>4 Q. When was that?</p> <p>5 <b>A. Sometime last year.</b></p> <p>6 Q. Do prayers still go on in that area?</p> <p>7 <b>A. From last year this is the last time I</b></p> <p>8 <b>have seen it.</b></p> <p>9 Q. Last school year?</p> <p>10 <b>A. Last school year.</b></p> <p>11 Q. Prior to last school year though you've</p> <p>12 seen it in previous years?</p> <p>13 <b>A. Yes, I did.</b></p> <p>14 Q. How often?</p> <p>15 <b>A. It depends if I am there when the</b></p> <p>16 <b>students are given time to pray or not.</b></p> <p>17 Q. Was it a frequent occurrence that the</p> <p>18 students were given time to pray in this</p> <p>19 carpeted area?</p> <p>20 <b>A. My understanding that students who chose</b></p> <p>21 <b>to pray, they pray at least one time during the</b></p> <p>22 <b>school day. And if they pray there on that</b></p> <p>23 <b>area, on that carpeted area, then they would be</b></p> <p>24 <b>praying on that carpeted area once a day.</b></p> <p>25 Q. What was that carpeted area for?</p>	<p>1 <b>room.</b></p> <p>2 Q. Is there a number of teachers? Can you</p> <p>3 tell me how many are usually there praying on</p> <p>4 Fridays, teachers or staff?</p> <p>5 <b>A. It varies from week to week.</b></p> <p>6 Q. Is there a range you can give me?</p> <p>7 <b>A. I would say between five to 15.</b></p> <p>8 Q. Are there particular --</p> <p>9 <b>A. I'm sorry. I would like to take that</b></p> <p>10 <b>back. Five to ten.</b></p> <p>11 Q. Five to ten?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. Are there particular teachers who are</p> <p>14 assigned to supervise the children who are</p> <p>15 praying in the gymnasium?</p> <p>16 <b>A. There are teachers who are assigned to</b></p> <p>17 <b>supervise the students during their optional</b></p> <p>18 <b>Friday prayer, yes.</b></p> <p>19 Q. Is that something that's assigned for</p> <p>20 the full year and that's what they do every</p> <p>21 Friday?</p> <p>22 <b>A. Usually this is decided on the grade</b></p> <p>23 <b>level areas like K to two, and then three to</b></p> <p>24 <b>five and six to eight. And then teachers there</b></p> <p>25 <b>among themselves decide who will be there.</b></p>
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<p>1 <b>A. It's been there before. It's a wide</b></p> <p>2 <b>area that is used for different purposes. One</b></p> <p>3 <b>of them for silent reading or small group</b></p> <p>4 <b>discussions. I've seen teachers taking some of</b></p> <p>5 <b>the students and playing some games in that</b></p> <p>6 <b>area.</b></p> <p>7 Q. Have you ever seen teachers take their</p> <p>8 students from the classroom to that area</p> <p>9 specifically to pray?</p> <p>10 <b>A. No, I have not seen that.</b></p> <p>11 Q. And you have never had occasion to take</p> <p>12 any students there to pray?</p> <p>13 <b>A. No, I have not.</b></p> <p>14 Q. On Fridays -- well, you said you're</p> <p>15 generally out of the gymnasium when the Friday</p> <p>16 prayers are occurring now?</p> <p>17 <b>A. Sometimes I stop by. This is a time</b></p> <p>18 <b>that I also do my Friday prayer.</b></p> <p>19 Q. And you do your Friday prayer then in</p> <p>20 the prayer room?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. Do other teachers join you in the prayer</p> <p>23 room for Friday prayers, teachers or staff?</p> <p>24 <b>A. People who choose to pray who are</b></p> <p>25 <b>employed by TiZA, they go and pray in that</b></p>	<p>1 Q. The times you've stopped in to just look</p> <p>2 in on the gymnasium or if you've been</p> <p>3 supervising, about how many students have been</p> <p>4 there praying?</p> <p>5 <b>A. I've never counted the students who were</b></p> <p>6 <b>praying there.</b></p> <p>7 Q. Can you give me an estimate?</p> <p>8 <b>A. I would say between 100 to 200 students.</b></p> <p>9 Q. And the gymnasium, I assume from the</p> <p>10 name the other use is as a gym, correct?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. And the children who choose not to pray,</p> <p>13 where do they go on Fridays?</p> <p>14 <b>A. They stay with one of the teachers</b></p> <p>15 <b>either in the library or in one classroom in</b></p> <p>16 <b>their area and they're -- they do a silent</b></p> <p>17 <b>reading.</b></p> <p>18 Q. And is that broken up by class levels as</p> <p>19 well? You said K through two, three through</p> <p>20 five, six through eight.</p> <p>21 <b>A. It depends on the number of the</b></p> <p>22 <b>students. If many of them would be staying,</b></p> <p>23 <b>then maybe there would be two rooms to</b></p> <p>24 <b>accommodate that. If maybe only a few</b></p> <p>25 <b>students, then they will be in one room.</b></p>

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<p>1 Q. And those females who would wear pants 2 or trousers, is there a dress covering the 3 pants or trousers? 4 <b>A. Yes, but it's not ankle length.</b> 5 Q. Is it at least knee length? 6 <b>A. Usually not, like between the waist and 7 the knee, somewhere there.</b> 8 Q. Okay. You mentioned earlier that 9 students at TiZA are not required to wear head 10 coverings, female students? 11 <b>A. Yes, they are not.</b> 12 Q. Do most of them wear head coverings? 13 <b>A. I would say yes.</b> 14 Q. Do you recall the dress code for staff 15 also changing in this past year? 16 <b>A. Yes, it was. It changed last year.</b> 17 Q. And do you recall that that also was the 18 result of some concerns raised by the Minnesota 19 Department of Education? 20 <b>A. I am not sure if this also was a concern 21 by the Minnesota Department of Education or 22 not. I'm not positive on that area.</b> 23 Q. Do you know why the dress code for staff 24 changed? 25 <b>A. I'm not sure.</b></p>	<p>1 <b>A. I don't remember the names. But I 2 remember looking at dress code for staff and 3 students for other schools.</b> 4 Q. Was that in connection with your work 5 with TiZA? 6 <b>A. Yes.</b> 7 Q. Why were you looking at other school 8 dress codes? 9 <b>A. To see where the TiZA dress code stands 10 in differentiating between male and female 11 compared to other schools.</b> 12 Q. Did you see other -- did the other dress 13 codes that you saw differentiate between males 14 and females in sleeve length? 15 <b>A. Not in the sleeve length, but in other 16 areas.</b> 17 Q. What's the basis for your testimony 18 that, at least from your view, the reason for 19 the difference between male and female sleeve 20 length is the attractiveness of the females? 21 <b>A. Because it is known that male -- females 22 are more attractive than males.</b> 23 Q. Is this something that's taught in the 24 Islamic religion? 25 <b>A. No, it's not.</b></p>
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<p>1 Q. Did you have any involvement in the 2 change of the dress code for staff? 3 <b>A. I do not remember.</b> 4 Q. Do you recall how it changed? 5 <b>A. I don't recall the process. But I 6 remember how it was before and how it became 7 after.</b> 8 Q. Tell me what you recall. 9 <b>A. In the past it was to allow male staff 10 to wear short sleeve and not female staff. And 11 then it was changed that required both to wear 12 at least three quarters of a sleeve.</b> 13 Q. Why was there -- if you know, why was 14 there a difference in the previous dress code 15 for the length of the sleeve for males and 16 females? 17 <b>A. I would say it's the same answer for 18 boys and girls at the school, female students 19 versus male students.</b> 20 Q. That the females are more attractive? 21 <b>A. Yes.</b> 22 Q. Have you ever had an opportunity to 23 review dress codes for other schools? 24 <b>A. I think yes.</b> 25 Q. What other schools?</p>	<p>1 Q. Does the Islamic religion require 2 females to be covered to their -- full sleeve 3 length? 4 <b>A. Yes.</b> 5 Q. Now, you previously testified as to your 6 understanding of the term "halal," which I 7 think you said was things that are pork free 8 and Muslims can eat? 9 <b>A. Yes.</b> 10 Q. Do you agree that the term is also used 11 to designate food that is permissible according 12 to Islamic law? 13 <b>A. I'm not sure.</b> 14 Q. You don't know whether or not halal is a 15 term used to designate food according to 16 Islamic law? 17 <b>A. I would take that back. I would say 18 yes.</b> 19 Q. And TiZA serves halal food, correct? 20 <b>A. TiZA accommodates parents and students 21 requests to eat pork-free meals.</b> 22 Q. In fact, all food served at TiZA is 23 halal, isn't that correct? 24 <b>A. No.</b> 25 Q. All foods served at TiZA is pork free,</p>

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<p>1 is that not correct?</p> <p>2 <b>A. That's correct.</b></p> <p>3 Q. And that's also known as halal?</p> <p>4 <b>A. It depends on who you are asking. Like</b></p> <p>5 <b>when we have like a salad bar, I haven't heard</b></p> <p>6 <b>somebody claiming that this is halal salad or</b></p> <p>7 <b>this is halal bread.</b></p> <p>8 Q. Can you look at page 31 of the document</p> <p>9 that's in front of you.</p> <p>10 <b>A. (Reviews document.)</b></p> <p>11 <b>Q. Looking at the down at the heading</b></p> <p>12 <b>Dietary Restrictions. Do you see that?</b></p> <p>13 <b>A. Okay.</b></p> <p>14 Q. "To comply with the dietary requirements</p> <p>15 of the majority of the student body, all foods</p> <p>16 served at Tarek ibn Ziyad Academy is pork free</p> <p>17 (also known as halal)."</p> <p>18 Do you see that?</p> <p>19 <b>A. Yes, I do.</b></p> <p>20 Q. Is that still TiZA's dietary restriction</p> <p>21 policy today?</p> <p>22 <b>A. Yes, it is.</b></p> <p>23 Q. During Ramadan how does TiZA accommodate</p> <p>24 the students who would like to fast?</p> <p>25 <b>A. By not offering food to them.</b></p>	<p>1 <b>provide a meal whether they were fasting or not</b></p> <p>2 <b>at that time.</b></p> <p>3 Q. You have to. What was the basis of that</p> <p>4 understanding that you have to provide a meal?</p> <p>5 <b>A. It was from our food and nutrition</b></p> <p>6 <b>consultant.</b></p> <p>7 Q. Who is that?</p> <p>8 <b>A. Mary Hunn.</b></p> <p>9 Q. And it's your understanding that changed</p> <p>10 this year?</p> <p>11 <b>A. Actually, it changed last year.</b></p> <p>12 Q. This last school year?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. And so no cold meal was provided?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Do you know was that a change in the</p> <p>17 regulations?</p> <p>18 <b>A. There was a concern that students would</b></p> <p>19 <b>not consume that meal until later in the day.</b></p> <p>20 <b>And there was a safety concern that this meal</b></p> <p>21 <b>might go bad especially -- Ramadan now happens</b></p> <p>22 <b>in August and September and it's -- the weather</b></p> <p>23 <b>is still hot. And if this meal goes bad and</b></p> <p>24 <b>the kids eat it, we might be liable for that.</b></p> <p>25 Q. Do you know if TiZA asked for any</p>
Page 210	Page 212
<p>1 Q. Does it make extra food and it goes to</p> <p>2 waste?</p> <p>3 <b>A. No.</b></p> <p>4 Q. How does it determine how much food to</p> <p>5 make during the month of Ramadan?</p> <p>6 <b>A. In the morning when students first come</b></p> <p>7 <b>to the classrooms, teacher take a head count of</b></p> <p>8 <b>students who want a hot meal on that day and</b></p> <p>9 <b>that will be communicated to the kitchen. And</b></p> <p>10 <b>according to that, students who choose to fast</b></p> <p>11 <b>will not be given a hot meal.</b></p> <p>12 Q. Now, is that head count taken every day</p> <p>13 of the school year?</p> <p>14 <b>A. Only during the month of Ramadan.</b></p> <p>15 Q. And during the month of Ramadan are the</p> <p>16 students given food at the end of the day?</p> <p>17 <b>A. Last year that did not happen. But in</b></p> <p>18 <b>previous years, yes, students who choose to</b></p> <p>19 <b>fast, they were given a cold meal to take home.</b></p> <p>20 Q. Okay. And was that a choice that they</p> <p>21 made when they were deciding -- you said they</p> <p>22 do a head count, are they going to eat. Do</p> <p>23 they also check whether they want a cold meal</p> <p>24 at the end of the day?</p> <p>25 <b>A. It was my understanding that we had to</b></p>	<p>1 guidance from the MDE or anybody else regarding</p> <p>2 that particular issue?</p> <p>3 <b>A. That would be Mary Hunn's question.</b></p> <p>4 Q. So you don't know?</p> <p>5 <b>A. I do not know.</b></p> <p>6 Q. Does Mary Hunn report to you?</p> <p>7 <b>A. I work with her, but she reports to</b></p> <p>8 <b>Mr. Zaman.</b></p> <p>9 Q. What's your work that you do with her?</p> <p>10 <b>A. Just making sure that the kitchen in</b></p> <p>11 <b>Inver Grove Heights is -- have all their needs</b></p> <p>12 <b>that -- to operate a kitchen.</b></p> <p>13 Q. Okay. Now, TiZA operates a school</p> <p>14 lottery, is that correct?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. What's your involvement in that?</p> <p>17 <b>A. In the last few years I have done the</b></p> <p>18 <b>lottery.</b></p> <p>19 Q. How does that work?</p> <p>20 <b>A. It's random selection.</b></p> <p>21 Q. Take me through the process of what</p> <p>22 happens when you do it.</p> <p>23 <b>A. Okay. We use Access software for that.</b></p> <p>24 <b>So there are different queries on -- on that</b></p> <p>25 <b>software, like students who are enrolled,</b></p>

Page 221	Page 223
<p>1 <b>A. What I can say here: If there were</b>  2 <b>other students on the waiting list at the time</b>  3 <b>when she was enrolled, I'm a hundred percent</b>  4 <b>positive that she went through the lottery</b>  5 <b>process.</b>  6 Q. When was his daughter enrolled?  7 <b>A. I have to get back to the records.</b>  8 Q. You don't recall one way or the other  9 whether it was while you were operating the  10 lottery process?  11 <b>A. I don't remember.</b>  12 Q. What does the term Eid al-Fitr mean?  13 <b>A. Say that again, please.</b>  14 Q. Eid al-Fitr.  15 <b>A. Yeah. This is a feast after Ramadan.</b>  16 Q. Okay. Eid al-Adha?  17 <b>A. That's another Islamic holiday.</b>  18 Q. Do you have any role in setting the  19 school's calendar?  20 <b>A. Yes, I do.</b>  21 Q. What's your role?  22 <b>A. I make sure that it's done.</b>  23 Q. Beyond making sure that it's done, do  24 you have any role in setting the school  25 calendar?</p>	<p>1 off for those two religious holidays, is that  2 correct?  3 <b>A. TiZA accommodates religious requests.</b>  4 <b>And those two days are among those</b>  5 <b>accommodations.</b>  6 Q. But it's not two days, is it, it's eight  7 days?  8 <b>A. I don't know how many days they are.</b>  9 <b>What I meant by two days, I meant those two</b>  10 <b>holidays.</b>  11 Q. Would you have any reason to dispute  12 that it's eight days?  13 <b>A. I have to look back at the school</b>  14 <b>calendar.</b>  15 Q. Showing you what was previously marked  16 as Exhibit 90. If you can turn to page 44.  17 <b>A. (Reviews document.)</b>  18 <b>Q. Before I get to that, are there any</b>  19 <b>circumstances where you wouldn't have any</b>  20 <b>administrative staff but you would have school</b>  21 <b>that day?</b>  22 <b>A. Can you repeat the question again,</b>  23 <b>please?</b>  24 Q. Sure. Are there any circumstances you  25 can think of where you wouldn't have</p>
Page 222	Page 224
<p>1 <b>A. I don't understand what you mean by</b>  2 <b>role.</b>  3 <b>A. Do you pick days off for the school? Do</b>  4 <b>you pick testing days, conference days,</b>  5 <b>anything like that?</b>  6 <b>A. It's like a team decision.</b>  7 Q. Who's the team?  8 <b>A. It's usually some teacher propose it</b>  9 <b>first and then comes to management team that</b>  10 <b>consists of Mr. Zaman, Mr. Kandil, myself and</b>  11 <b>Ms. Choi.</b>  12 Q. Do you agree that TiZA as a company, as  13 a school grants Eid al-Fitr and Eid al-Adha as  14 designated days off?  15 <b>A. It is the policy of Tarek ibn Ziyad</b>  16 <b>Academy to accommodate religious requests or</b>  17 <b>religious accommodations requested by students,</b>  18 <b>parents or staff. And for practical reasons</b>  19 <b>since the majority of the students in TiZA are</b>  20 <b>Muslims, I would not expect them to show up on</b>  21 <b>a school day when it's their religious holiday.</b>  22 <b>Same as well we don't have school on Christmas,</b>  23 <b>because I would not have any teachers at the</b>  24 <b>school at that time.</b>  25 Q. Does -- TiZA actually grants eight days</p>	<p>1 administrative staff but you would have school  2 that day?  3 <b>A. Where would the administrative staff be,</b>  4 <b>not in the building or --</b>  5 Q. If they were given a day off. In other  6 words, what I'm asking: If it's a day off for  7 the administrative staff, is it also a day off  8 for the school?  9 <b>A. No.</b>  10 Q. What days would administrative staff  11 have off but it wouldn't be a day off for the  12 school?  13 <b>A. When you say a day off are you talking</b>  14 <b>about like when they are sick or like a day</b>  15 <b>that is known previously?</b>  16 Q. Known previously.  17 <b>A. It's a day off?</b>  18 Q. Yes. So you have no administrative  19 staff. Is there any situation where you would  20 grant a day off for the administrative staff  21 but still have school?  22 <b>A. No.</b>  23 Q. Looking at Exhibit 90, page 44. You see  24 under the company holidays it specifically says  25 that there are 15 days granted off including</p>



Page 229	Page 231
<p>1 <b>A. It's like Happy Ramadan.</b></p> <p>2 Q. If a teacher sent home a handout with</p> <p>3 that greeting on it or that statement, would</p> <p>4 that concern you?</p> <p>5 <b>A. I might need to take that to our counsel</b></p> <p>6 <b>and ask them if that would be considered a</b></p> <p>7 <b>violation of state and church or not.</b></p> <p>8 Q. Did that type of phraseology ever come</p> <p>9 to your attention in anything that was</p> <p>10 submitted for your review?</p> <p>11 <b>A. No.</b></p> <p>12 Q. Ms. Pamperin, is that Amy Pamperin?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. Was she a teacher while you were an</p> <p>15 assistant director?</p> <p>16 <b>A. I think she was.</b></p> <p>17 Q. Showing you what's been marked as</p> <p>18 Exhibit 101. Do you recall seeing this</p> <p>19 document at all in your review of documents</p> <p>20 from the teachers?</p> <p>21 <b>A. (Reviews document.) No, I do not.</b></p> <p>22 Q. Now, we've heard testimony about the use</p> <p>23 of the terms "brother" and "sister" at TiZA?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. How are you referred to by the students</p>	<p>1 <b>to call Mr. So-and-so.</b></p> <p>2 Q. Have you ever had that situation come</p> <p>3 up?</p> <p>4 <b>A. No.</b></p> <p>5 Q. Now, parents also sometimes refer you to</p> <p>6 you as Brother Magdy, is that right?</p> <p>7 <b>A. And Magdy.</b></p> <p>8 Q. And you sometimes refer to parents as</p> <p>9 brother or sister depending on whether it's a</p> <p>10 male or a female?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. In a greeting what does the term "Salam</p> <p>13 Brother" mean?</p> <p>14 <b>A. Hello brother.</b></p> <p>15 Q. Salam is hello?</p> <p>16 <b>A. It can be seen as hello, yes.</b></p> <p>17 Q. What else can it be seen as?</p> <p>18 <b>A. Peace.</b></p> <p>19 Q. Anything else?</p> <p>20 <b>A. No.</b></p> <p>21 Q. Do you know what the term Allah and then</p> <p>22 in parenthetical (swt) means?</p> <p>23 <b>A. Can I see that?</b></p> <p>24 Q. Sure.</p> <p>25 (Exhibit Number 268 marked for</p>
Page 230	Page 232
<p>1 at TiZA?</p> <p>2 <b>A. It varies.</b></p> <p>3 Q. Is there a general practice?</p> <p>4 <b>A. Some students call me Brother Magdy.</b></p> <p>5 Q. Do the majority?</p> <p>6 <b>A. I wouldn't say the majority.</b></p> <p>7 Q. Do you have an idea of -- is it more</p> <p>8 common than not that you're called brother</p> <p>9 versus Mr.?</p> <p>10 <b>A. I would say it may be more common.</b></p> <p>11 Q. If you're not called by brother, are you</p> <p>12 called by your first name or Mr. Rabeaa?</p> <p>13 <b>A. I'm flexible with either one.</b></p> <p>14 Q. For students?</p> <p>15 <b>A. With students, I would prefer</b></p> <p>16 <b>Mr. Rabeaa.</b></p> <p>17 Q. Why do the students call you Brother</p> <p>18 Magdy?</p> <p>19 <b>A. It's out of respect.</b></p> <p>20 Q. If a student were to call you just</p> <p>21 Magdy, what would you tell them to call you or</p> <p>22 would you correct them at all?</p> <p>23 <b>A. I am not sure what I would do. But I</b></p> <p>24 <b>may tell them it's inappropriate to call your</b></p> <p>25 <b>school director by his first name. It's better</b></p>	<p>1 identification.)</p> <p>2 BY MS. PFEIFER:</p> <p>3 Q. Showing you what's been marked as</p> <p>4 Exhibit 268.</p> <p>5 <b>A. (Reviews document.)</b></p> <p>6 MS. PFEIFER: For the record,</p> <p>7 Exhibit 268 is a one-page document Bates</p> <p>8 labeled TiZA Documents 28206.</p> <p>9 BY MS. PFIEFER:</p> <p>10 Q. Do you know what that reference to Allah</p> <p>11 (swt) means?</p> <p>12 <b>A. It would be glorified.</b></p> <p>13 Q. Glorified?</p> <p>14 <b>A. I think.</b></p> <p>15 Q. Is that a term you use?</p> <p>16 <b>A. Not often, no.</b></p> <p>17 Q. And is -- this is an email from</p> <p>18 Sohail Ahmed?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. Is that a TiZA parent?</p> <p>21 <b>A. Yes, he is.</b></p> <p>22 Q. Is that a female?</p> <p>23 <b>A. Male.</b></p> <p>24 Q. Male? Okay.</p> <p>25 Now, are you involved in the</p>

## **EXHIBIT 11**

to the Declaration of Shamus P. O'Meara



أكاديمية طارق ابن زياد

## Tarek ibn Ziyad Academy

4100 East 66<sup>th</sup> Street Inver Grove Heights, MN 55076

Phone: (651) 457-7072. Fax: (651) 457-7190

<http://www.tizacademy.com>

Chas Anderson  
Deputy Commissioner  
Minnesota Department of Education  
1500 Highway 36 West  
Roseville, MN 55113

2008 AUG 27 AM 10:20

RECEIVED  
MN DEPT OF EDUCATION

CC: Morgan Brown; Assistant Commissioner  
John Cairns; TiZA Legal Counsel

August 25, 2008

VIA: Facsimile & Mail

Dear Madam,

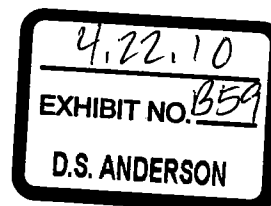
We write this letter in response to your report issued on 05/19/2008. I take this opportunity to thank you for the professionalism of your staff during the recent visits. Thank you also for removing our street address from your website in response to the death threats we received.

Tarek ibn Ziyad Academy takes seriously the concerns raised in your report. We believe that we have been in complete compliance with the law in the prior year. Since we have a slightly different understanding of the relevant laws, please allow us to explain our understanding of the relevant laws.

Legal experts agree that charter schools are not subject to Minnesota Statute 126C.05 and many charter schools operate for less than 150 student contact days. In any case, we have a 6.5 hour program that runs for 172 student contact days a year. Thus our students receive 1,109 hours of school services per year, exclusive of the time for Friday prayer, which exceeds the minimum guidelines for regular school districts.

As an employer, we are required by federal law to provide our employees (teachers & aides) time off to constitutionally protected prayer. Forcing them to leave the premises on Friday would disrupt the safety & the academic welfare of the students. The "Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools" published by the US Dept of Education states in part: "*Teachers may, however, take part in religious activities where the overall context makes clear that they are not participating in their official capacities.*"

Our legal counsel assures us that none of the statutes referenced in the report mandate a charter school to provide transportation immediately at the end of the normal school day. Many charter schools provide transportation only after their "after-school" programs are complete for reasons similar to ours. Tarek ibn Ziyad Academy realizes significant cost savings by purchasing bus services during off-peak hours. These savings directly contribute to student academic achievement. Tarek ibn Ziyad Academy also operates after-school programs, some of them under a grant from the Department of Education which benefit from the current transportation arrangement. An overwhelming majority of the families



COM-ACLU00687



## Tarek ibn Ziyad Academy

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Phone: (651) 457-7072. Fax: (651) 457-7190

<http://www.tizacademy.com>

have rejected the 3.45 departure option and have requested a 4.30 departure time due to parent work schedule and a desire to participate in various after school activities.

Tarek ibn Ziyad Academy believes that the transportation plan and the mechanism in which we accommodated our student's constitutionally protected prayer last year was in full compliance with federal & Minnesota law.

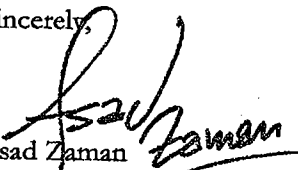
However we take seriously the concerns raised in your report. We are also mindful of the enormous hysteria generated by certain individuals in the media and the death threats that resulted from them. We do not look forward to such a situation in the future.

Therefore our board is willing to make the following changes:

1. The time allocated for Friday prayer accommodations will be reduced.
2. To avoid any appearance of impropriety, staff that choose to perform Friday prayers will be asked to do so in a separate room. Staff will be present during the accommodations for student-led Friday prayer to ensure student safety.
3. TiZA will offer bus service at a time that is most cost effective to the school and most convenient to a majority of parents. Parents who desire other transportation are free to make arrangements and will be reimbursed in accordance with MN §124D.10.S16, which states in part "*A parent may be reimbursed by the charter school for costs of transportation*".

We hope the above changes satisfy your concerns and look forward to your correspondence to that effect. We look forward to your visiting our school in the near future.

Sincerely,



Asad Zaman  
Executive Director

## **EXHIBIT 12**

to the Declaration of Shamus P. O'Meara

**Chas Anderson (Vol. 1), 9/27/2010****Page: 1**

<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 DISTRICT OF MINNESOTA</p> <p>3</p> <p>4</p> <p>5 Court File No. 09-cv-00138</p> <p>6</p> <p>7 AMERICAN CIVIL LIBERTIES UNION OF</p> <p>8 MINNESOTA,</p> <p>9 Plaintiff,</p> <p>10 vs.</p> <p>11 TAREK IBN ZIYAD ACADEMY, et al.,</p> <p>12 Defendants.</p> <p>13</p> <p>14</p> <p>15</p> <p>16 VIDEOTAPED DEPOSITION OF</p> <p>17 CHAS ANDERSON, VOLUME 1</p> <p>18 Taken on Monday, September 27, 2010</p> <p>19 Scheduled for 9:00 a.m.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 REPORTED BY: Dana S. Anderson-Linnell</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Plaintiff American Civil Liberties</p> <p>4 Union of Minnesota:</p> <p>5 Ivan M. Ludmer, Esquire</p> <p>6 DORSEY &amp; WHITNEY</p> <p>7 50 South Sixth Street, Suite 1500</p> <p>8 Minneapolis, MN 55402</p> <p>9 Phone: 612.340.2600</p> <p>10 Email: ludmer.ivan@dorsey.com</p> <p>11</p> <p>12 On Behalf of Defendant Islamic Relief USA:</p> <p>13 Sarah E. Bushnell, Esquire</p> <p>14 KELLY &amp; BERENS, P.A.</p> <p>15 3720 IDS Center</p> <p>16 Minneapolis, MN 55402</p> <p>17 Phone: 612.349.6171</p> <p>18 Email: sbushnell@kellyandberens.com</p> <p>19</p> <p>20</p> <p>21 (Appearances continued on the next page.)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 VIDEOTAPED DEPOSITION OF CHAS ANDERSON, VOLUME 1,</p> <p>2 taken on Monday, September 27, 2010, commencing at</p> <p>3 9:15 a.m. at the offices of Dorsey and Whitney, 50</p> <p>4 South Sixth Street, Suite 1500, Minneapolis,</p> <p>5 Minnesota before Dana S. Anderson-Linnell, a Notary</p> <p>6 Public in and of the State of Minnesota.</p> <p>7 *****</p> <p>8</p> <p>9 APPEARANCES</p> <p>10</p> <p>11 On Behalf of Defendants Tarek Ibn Ziyad Academy,</p> <p>12 Asad Zaman, Asif Rahman, Mahrous Kandil, Mona</p> <p>13 Elnahrawy, Moira Fahey and Mohamed Farid:</p> <p>14 Mark R. Azman, Esquire</p> <p>15 M. Annie Mullin, Esquire</p> <p>16 JOHNSON &amp; CONDON</p> <p>17 7401 Metro Boulevard, Suite 600</p> <p>18 Minneapolis, MN 55439-3034</p> <p>19 Phone: 952.831.6544</p> <p>20 Email: mra@johnson-condon.com</p> <p>21 mamullin@johnson-condon.com</p> <p>22</p> <p>23 (Appearances continued on the next page.)</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Defendant Commissioner of Education:</p> <p>4 Kathryn Woodruff, Esquire</p> <p>5 Tamar Gronvall, Esquire (partial day)</p> <p>6 MINNESOTA ATTORNEY GENERAL'S OFFICE</p> <p>7 445 Minnesota Street, Suite 900</p> <p>8 St. Paul, MN 55101</p> <p>9 Phone: 651.297.5934</p> <p>10 Email: kathryn.woodruff@state.mn.us</p> <p>11 tamar.gronvall@state.mn.us</p> <p>12</p> <p>13</p> <p>14 ALSO PRESENT: Asad Zaman</p> <p>15 Magdy Rabeaa</p> <p>16 Mahrous Kandil</p> <p>17 Kyle Peterson, videographer</p> <p>18</p> <p>19</p> <p>20 NOTE: The original transcript will be filed with</p> <p>21 the Dorsey and Whitney Law Firm, pursuant to the</p> <p>22 applicable Rules of Civil Procedure.</p> <p>23</p> <p>24</p> <p>25</p>

Page 81		Page 83	
10:43:22	1 know and understand is that the school district	10:44:52	1 meal planning at schools?
10:43:24	2 or charter school has to accommodate the	10:44:52	2 MS. WOODRUFF: Object to form.
10:43:26	3 dietary needs of the student.	10:44:52	3 That's not what she said.
10:43:27	4 BY MR. AZMAN:	10:44:52	4 THE WITNESS: No. What I'm saying
10:43:28	5 Q. All right. But I'm not -- I'm not	10:44:53	5 is that I don't -- I do not know the exact
10:43:29	6 quoting you the statute. I'm quoting -- or	10:44:56	6 language in the Child Nutrition Act. My
10:43:29	7 strike that.	10:44:58	7 understanding is that the school district and
10:43:31	8 I'm stating just general concepts	10:45:00	8 charter school has -- must accommodate the
10:43:34	9 regarding ethnic and religious preferences.	10:45:02	9 needs -- dietary needs of each of their
10:43:34	10 And I'm just simply --	10:45:04	10 students.
10:43:34	11 <b>A. And I can't --</b>	10:45:04	11 BY MR. AZMAN:
10:43:38	12 Q. Let me just finish. Just whether or not	10:45:05	12 Q. And your knowledge doesn't go beyond
10:43:38	13 you're familiar with the program's requirement	10:45:08	13 that with regard to the National School Lunch
10:43:41	14 to consider ethnic and religious preferences	10:45:11	14 Program?
10:43:44	15 when planning meals?	10:45:11	15 <b>A. No, I'm not going to -- I'm not going to</b>
10:43:45	16 MS. WOODRUFF: Objection, asked and	10:45:12	16 <b>state any requirements that I'm not aware of.</b>
10:43:46	17 answered.	10:45:15	17 Q. And I'm not going to ask you to, so
10:43:46	18 THE WITNESS: I can't speak to that.	10:45:18	18 we're clear. I'm just asking what your
10:43:48	19 All I know is that school districts and charter	10:45:20	19 understanding is of the program with regard to
10:43:50	20 schools are supposed to accommodate the dietary	10:45:22	20 the concepts of ethnic and religious
10:43:52	21 needs of its students.	10:45:24	21 preferences.
10:43:54	22 BY MR. AZMAN:	10:45:27	22 (Exhibit Number 486 marked for
10:43:54	23 Q. And have you ever had any experience	10:46:01	23 identification.)
10:43:56	24 with dietary needs -- well, strike that.	10:46:01	24 BY MR. AZMAN:
10:44:00	25 You don't understand that the dietary	10:46:02	25 Q. A moment ago you suggested taking a look
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10:44:02	1 needs would include ethnic and religious	10:46:05	1 at the language. We've taken the liberty of
10:44:05	2 preferences?	10:46:08	2 printing out the child nutrition program
10:44:05	3 MS. WOODRUFF: Object to form.	10:46:11	3 regulations. If you could turn to page 26 of
10:44:06	4 THE WITNESS: I am not familiar with	10:46:15	4 the document.
10:44:08	5 language that you're stating. If you want to	10:46:20	5 MR. LUDMER: Is that 26 on the
10:44:10	6 show me the language, I'm certainly willing to	10:46:22	6 bottom or the 26th page?
10:44:13	7 read that and review it. My understanding is	10:46:24	7 MR. AZMAN: That would be the -- 26
10:44:16	8 that under the act the school districts and	10:46:25	8 at the bottom.
10:44:18	9 charter schools need to accommodate the dietary	10:46:29	9 BY MR. AZMAN:
10:44:20	10 needs of the students.	10:46:29	10 Q. And my question involves on the
10:44:21	11 BY MR. AZMAN:	10:46:31	11 left-hand column involving subdivision 3
10:44:21	12 Q. And I'm simply asking if you understand	10:46:37	12 entitled Variations for ethnic, religious, or
10:44:23	13 the concept of considering ethnic and religious	10:46:40	13 economic reasons.
10:44:26	14 preferences in planning meals under the	10:46:40	14 Do you see that section?
10:44:29	15 program, not specific language.	10:46:41	15 <b>A. (Reviews document.) Yes.</b>
10:44:31	16 MR. LUDMER: Object to form.	10:46:41	16 Q. It states, "Schools should consider
10:44:32	17 THE WITNESS: And what I'm saying is	10:46:44	17 ethnic and religious preferences when planning
10:44:33	18 that I'm not familiar with the language you're	10:46:46	18 and preparing meals."
10:44:35	19 stating is in the act. My understanding is	10:46:47	19 Do you see that?
10:44:38	20 that the school district and charter schools	10:46:47	20 <b>A. Yes.</b>
10:44:40	21 must accommodate the dietary needs of the	10:46:48	21 Q. All right. Do you have any reason to
10:44:44	22 students.	10:46:53	22 believe the -- that -- well, strike that.
10:44:45	23 BY MR. AZMAN:	10:46:55	23 It would be fair to say then that the
10:44:45	24 Q. So you're not familiar with concepts	10:46:58	24 school lunch program requires variations for
10:44:48	25 regarding ethnic and religious preferences in	10:47:01	25 ethnic and religious and economic reasons

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10:47:03	1	should be considered, correct?	10:49:14	1	legal conclusion.
10:47:04	2	MS. WOODRUFF: Object --	10:49:14	2	THE WITNESS: If that is
10:47:05	3	objection --	10:49:18	3	accommodating the dietary needs of that
10:47:05	4	MR. LUDMER: Object, calls for a	10:49:21	4	student, yes.
10:47:07	5	legal conclusion and the document speaks for	10:49:21	5	BY MR. AZMAN:
10:47:08	6	itself.	10:49:22	6	Q. And your answer would be the same
10:47:08	7	THE WITNESS: What it says is that	10:49:23	7	perhaps for a Lent accommodation?
10:47:11	8	schools should consider ethnic and religious	10:49:27	8	MR. LUDMER: Same objection.
10:47:13	9	preferences when planning and preparing meals.	10:49:28	9	THE WITNESS: Yes.
10:47:16	10	BY MR. AZMAN:	10:49:29	10	BY MR. AZMAN:
10:47:16	11	Q. So it would be fair for schools to do	10:49:29	11	Q. And accommodations for -- requested
10:47:19	12	that, to consider those concepts of ethnic and	10:49:31	12	rather by Muslim students for pork-free diets?
10:47:22	13	religious preferences?	10:49:34	13	MR. LUDMER: Same objection.
10:47:23	14	<b>A. I think it's fair to consider that, but</b>	10:49:35	14	THE WITNESS: Yes.
10:47:26	15	<b>I think generally under the umbrella of</b>	10:49:35	15	BY MR. AZMAN:
10:47:28	16	<b>accommodating the dietary needs of the</b>	10:49:47	16	Q. Schools can also consider the financial
10:47:31	17	<b>students.</b>	10:49:50	17	impact of a lunch program in developing the
10:47:31	18	<b>I do have to ask a question. Is this</b>	10:49:54	18	nutrition program, is that fair?
10:47:32	19	<b>the latest reauthorization of the child</b>	10:49:55	19	MR. LUDMER: Objection, calls for a
10:47:34	20	<b>nutrition program?</b>	10:49:56	20	legal conclusion.
10:47:35	21	MR. LUDMER: Before we go any	10:49:56	21	MS. WOODRUFF: And it's also vague.
10:47:36	22	further I want to object to the last question.	10:49:58	22	You can answer if you know.
10:47:37	23	It calls for a legal conclusion.	10:49:59	23	THE WITNESS: Yeah, what do you mean
10:47:37	24	BY MR. AZMAN:	10:49:59	24	by financial impact?
10:47:38	25	Q. Does this document, Exhibit 486, differ	10:50:00	25	BY MR. AZMAN:
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10:47:41	1	from your understanding?	10:50:01	1	Q. The cost.
10:47:42	2	<b>A. I don't know. I'm just curious because</b>	10:50:02	2	<b>A. The school lunch program is supposed to</b>
10:47:45	3	<b>it was reauthorized I think in the last year or</b>	10:50:06	3	<b>operate at cost. It's not supposed to</b>
10:47:47	4	<b>so.</b>	10:50:08	4	<b>generate -- or it's not a revenue generator</b>
10:47:47	5	Q. Right. And my question is on -- as to	10:50:11	5	<b>program. So the price has to be based on the</b>
10:47:49	6	page 26, that concept regarding ethnic and	10:50:14	6	<b>cost of the program.</b>
10:47:54	7	religious preferences, has that changed based	10:50:14	7	Q. But schools can consider the cost of
10:47:55	8	on the reauthorization you mentioned?	10:50:19	8	foods -- or should consider the cost of foods
10:47:56	9	<b>A. I'm not aware of it.</b>	10:50:21	9	when developing a program, correct?
10:47:58	10	Q. Does the -- it would be reasonable then	10:50:23	10	MR. LUDMER: Objection, calls for a
10:48:43	11	for LEAs or charter schools to consider student	10:50:25	11	legal conclusion.
10:48:51	12	requested accommodations for religious	10:50:25	12	THE WITNESS: That's correct. They
10:48:54	13	preferences, correct?	10:50:28	13	just -- the school cannot -- the food and
10:48:55	14	MR. LUDMER: Objection, vague.	10:50:32	14	nutrition program cannot generate revenue.
10:48:57	15	MS. WOODRUFF: Also calls for a	10:50:34	15	BY MR. AZMAN:
10:48:57	16	legal conclusion.	10:50:34	16	Q. They can't make money off of it?
10:49:00	17	You can answer if you know.	10:50:36	17	<b>A. They can't make money off of it. And if</b>
10:49:01	18	THE WITNESS: I think it's	10:50:37	18	<b>they -- if we do have situations where that's</b>
10:49:02	19	reasonable for school districts or charter	10:50:39	19	<b>happening, then either the school's forced to</b>
10:49:04	20	schools to consider reasonable accommodations	10:50:42	20	<b>reduce their prices or offer more, I guess,</b>
10:49:07	21	for those reasons.	10:50:46	21	<b>food services.</b>
10:49:09	22	BY MR. AZMAN:	10:50:46	22	Q. And my question is more -- or is less
10:49:09	23	Q. And reasonable accommodations may	10:50:48	23	having to do with profit and more having to do
10:49:11	24	include a request for kosher foods?	10:50:51	24	with the cost of food should be one of the
10:49:13	25	MR. LUDMER: Objection, calls for a	10:50:56	25	considerations in the development of a food



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13:35:11	1 <b>A. Yes.</b>	13:37:42	1 MS. WOODRUFF: Object to form.
13:35:11	2 Q. And the Department, of course, was	13:37:43	2 THE WITNESS: Well, it's designed to
13:35:15	3 concerned about that, correct?	13:37:45	3 improve the environment, building conditions of
13:35:17	4 <b>A. Yes.</b>	13:37:47	4 charter schools across the country.
13:35:17	5 Q. If it was demonstrated to the Department	13:37:49	5 BY MR. AZMAN:
13:35:24	6 that that video was actually shown in an	13:37:49	6 Q. In order to improve the student learning
13:35:28	7 after-school program, that would remove the	13:37:52	7 process?
13:35:31	8 Department's concern about it, correct?	13:37:52	8 <b>A. That's correct. That's the hope of it,</b>
13:35:32	9 MR. LUDMER: I'll object as calling	13:37:54	9 <b>I guess.</b>
13:35:34	10 for speculation and a legal conclusion.	13:37:55	10 Q. And those improvements can include
13:35:36	11 THE WITNESS: Yeah, I'm not entirely	13:37:59	11 technology updates?
13:35:38	12 clear that would -- would not raise objections.	13:38:00	12 <b>A. I believe technology updates, new lab</b>
13:35:42	13 Even as we look at faith-based organizations	13:38:03	13 <b>equipment.</b>
13:35:45	14 that work with schools in after-school	13:38:04	14 Q. Classroom renovations?
13:35:48	15 programs, they are still to remain nonreligious	13:38:04	15 <b>A. Classroom renovations.</b>
13:35:51	16 in their focus. And so I guess I can't really	13:38:07	16 Q. Other items that you can think of might
13:35:54	17 speak to that.	13:38:09	17 be --
13:35:55	18 BY MR. AZMAN:	13:38:09	18 <b>A. Yeah, that are allowed under the federal</b>
13:35:55	19 Q. Sure. What if it was shown in an	13:38:12	19 <b>grant.</b>
13:35:57	20 after-school program that was offered by an	13:38:12	20 Q. And what other examples can you think
13:36:01	21 entity completed unrelated to a school, that	13:38:15	21 of?
13:36:04	22 wouldn't concern the Department, would it?	13:38:15	22 <b>A. You know, as far as I know, the grantees</b>
13:36:06	23 <b>A. No.</b>	13:38:17	23 <b>in Minnesota they really improve the classroom</b>
13:36:07	24 MR. LUDMER: Objection, calls for	13:38:22	24 <b>space, they expanded, they added lab space,</b>
13:36:09	25 speculation and a legal conclusion.	13:38:24	25 <b>they added technology. Those are the sorts of</b>
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13:36:09	1 BY MR. AZMAN:	13:38:26	1 <b>things that they would do.</b>
13:36:21	2 Q. During the 2008 investigation of TiZA	13:38:28	2 Q. You're aware that TiZA received one of
13:36:26	3 the Department's review included a review of	13:38:30	3 these Minnesota facility improvement grants?
13:36:29	4 curriculum, correct?	13:38:33	4 <b>A. Yes.</b>
13:36:30	5 MS. WOODRUFF: Object to form.	13:38:34	5 Q. And that grant amount was approximately
13:36:31	6 THE WITNESS: It included a limited	13:38:37	6 \$498,000?
13:36:34	7 review of curriculum. They looked at the core	13:38:39	7 <b>A. That sounds correct.</b>
13:36:37	8 subject areas being taught and found that the	13:38:40	8 Q. And that TiZA used that for its Inver
13:36:40	9 curriculum was standard curriculum used in	13:38:44	9 Grove Heights campus addition?
13:36:42	10 Minnesota schools.	13:38:45	10 <b>A. I'm not sure which campus, but I know it</b>
13:36:43	11 BY MR. AZMAN:	13:38:49	11 <b>was one of the two.</b>
13:36:43	12 Q. So your testimony is that the Department	13:38:50	12 Q. You're aware that TiZA has two campuses?
13:36:45	13 did not review the Arabic language curriculum	13:38:54	13 <b>A. Yes.</b>
13:36:48	14 as part of that '08 review?	13:38:54	14 Q. One in Blaine and one in Inver Grove?
13:36:50	15 <b>A. I believe they only looked at the core</b>	13:38:57	15 <b>A. Yes.</b>
13:36:53	16 <b>subject areas.</b>	13:38:58	16 Q. And the improvement grant received by
13:36:53	17 Q. And that would exclude the Arabic	13:39:03	17 TiZA was used to improve student learning,
13:36:55	18 language program, correct?	13:39:07	18 correct?
13:36:57	19 <b>A. That's correct.</b>	13:39:08	19 MS. WOODRUFF: Object to form.
13:36:57	20 Q. Are you familiar with the Minnesota	13:39:10	20 MR. LUDMER: Objection for
13:37:28	21 facility improvement grant program?	13:39:11	21 foundation.
13:37:30	22 <b>A. Yes.</b>	13:39:11	22 THE WITNESS: I'm not sure what
13:37:32	23 Q. This grant program is designed to	13:39:12	23 exactly they used the grant to -- what they
13:37:36	24 improve student learning through architectural	13:39:15	24 renovated or used the funds for. I'm not
13:37:40	25 improvements, is that fair?	13:39:18	25 entirely clear on that.

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13:39:18 1	BY MR. AZMAN:	13:41:23 1	Q. Did the grant process -- well, strike
13:39:18 2	Q. But if they did use it, it was required	13:41:23 2	that.
13:39:21 3	to be used consistent with the grant program,	13:41:26 3	It's my understanding, correct me if I'm
13:39:23 4	correct?	13:41:29 4	wrong, that the grant process required a
13:39:23 5	<b>A. Yes.</b>	13:41:31 5	minimum of a five-year lease, is that true?
13:39:23 6	Q. And the Department oversees the grant	13:41:33 6	<b>A. I don't know. I can't remember.</b>
13:39:26 7	program?	13:41:36 7	Q. Does that sound about right?
13:39:26 8	<b>A. Yes.</b>	13:41:38 8	<b>A. I know there was a longer term lease</b>
13:39:26 9	Q. Does the money come from the Feds and is	13:41:42 9	<b>required as part of the grant because we didn't</b>
13:39:30 10	provided to the State for program management?	13:41:44 10	<b>want improvements made and then the landlord</b>
13:39:34 11	<b>A. What happens is the federal government</b>	13:41:47 11	<b>breaking the lease and then that money would</b>
13:39:36 12	<b>provides funding to the State. So we</b>	13:41:51 12	<b>have gone for nothing.</b>
13:39:39 13	<b>draw -- the State -- Department will drawdown</b>	13:41:51 13	Q. Does five years sound about like what
13:39:42 14	<b>federal funds. A percentage of that will be</b>	13:41:55 14	you recall?
13:39:44 15	<b>available to the Department to oversee the</b>	13:41:55 15	<b>A. It doesn't sound out of the ordinary.</b>
13:39:46 16	<b>program -- to hire a staff person to oversee</b>	13:41:59 16	Q. And that I think you indicated to
13:39:49 17	<b>the program. And then the other funds are made</b>	13:42:00 17	protect from the landlord breaking the lease
13:39:52 18	<b>available to schools upon a reimbursement</b>	13:42:02 18	and the money essentially not being able to be
13:39:54 19	<b>basis.</b>	13:42:05 19	used for the benefit of the school?
13:39:54 20	Q. Is there an application program that's	13:42:07 20	<b>A. Yeah, it was to protect the State's</b>
13:39:57 21	involved?	13:42:09 21	<b>interest.</b>
13:39:57 22	<b>A. I believe that the grantees had to</b>	13:42:10 22	Q. Is it fair then that that would protect
13:40:00 23	<b>submit an application.</b>	13:42:12 23	the benefits to the school and the integrity of
13:40:01 24	Q. Do you know how many grantees submitted	13:42:16 24	the use of the money?
13:40:03 25	applications?	13:42:17 25	<b>A. Yes.</b>
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13:40:04 1	<b>A. No.</b>	13:42:18 1	MR. LUDMER: Object as calling for
13:40:04 2	Q. Is the program ongoing or was it of	13:42:20 2	speculation.
13:40:07 3	limited duration?	13:42:20 3	BY MR. AZMAN:
13:40:08 4	<b>A. Limited duration.</b>	13:42:21 4	Q. With the improvement of the building the
13:40:10 5	Q. Do you know when?	13:42:23 5	landlord is not required to provide a rent
13:40:11 6	<b>A. I believe the program has ended on</b>	13:42:26 6	rebate, though, correct?
13:40:14 7	<b>September 30th of this year.</b>	13:42:28 7	<b>A. No.</b>
13:40:15 8	Q. And when did it start?	13:42:29 8	Q. I would like to talk a little bit about
13:40:18 9	<b>A. The State, I think, received a grant in</b>	13:43:01 9	testing. What I mean is the State standardized
13:40:23 10	<b>2006, around that time.</b>	13:43:05 10	testing we referenced a little earlier in the
13:40:25 11	Q. Are you aware of the total amount of	13:43:08 11	day. And I think you indicated that there are
13:40:32 12	funds made available to the State?	13:43:10 12	certain standardized tests that are required to
13:40:34 13	<b>A. No.</b>	13:43:14 13	be given in Minnesota schools including the
13:40:34 14	Q. Now, grants given to a -- charter	13:43:16 14	MCA?
13:41:00 15	schools used for the improvement of the	13:43:17 15	<b>A. That's correct, yes.</b>
13:41:03 16	building will benefit the building, correct?	13:43:17 16	Q. And what does the MCA stand for?
13:41:06 17	MS. WOODRUFF: Object to form. Also	13:43:21 17	<b>A. Minnesota Comprehensive Assessment.</b>
13:41:08 18	generally object as this being outside the	13:43:25 18	Q. And the MTELL, correct?
13:41:10 19	scope of the complaint.	13:43:26 19	<b>A. Yes.</b>
13:41:11 20	THE WITNESS: Yes.	13:43:27 20	Q. And what does the MTELL stand for?
13:41:12 21	BY MR. AZMAN:	13:43:29 21	<b>A. I'm actually not quite sure what that</b>
13:41:13 22	Q. And that would benefit the landlord as	13:43:31 22	<b>acronym -- actually, the full -- what the</b>
13:41:17 23	well, correct?	13:43:33 23	<b>acronym stands for. But it's an ESL test</b>
13:41:17 24	<b>A. Yes. If the landlord intended to</b>	13:43:37 24	<b>for -- it's a math test for ESL students.</b>
13:41:19 25	<b>continue to rent the facility as a school, yes.</b>	13:43:40 25	Q. And what is ESL?

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16:11:10 1	charter school is leasing is suitable as a	16:34:52 1	TiZA's lease aid application, is that correct?
16:11:13 2	school facility?	16:34:54 2	<b>A. That's correct.</b>
16:11:13 3	<b>A. Yes. They should have an E occupancy</b>	16:34:55 3	Q. And in the second paragraph the
16:11:17 4	<b>rating.</b>	16:35:01 4	Department lists the criteria for approval of
16:11:18 5	Q. And I -- it's fair to state that the	16:35:03 5	lease aid applications found under the charter
16:11:22 6	Department would take seriously the facility	16:35:06 6	school law.
16:11:24 7	that a charter school will be using for school	16:35:07 7	Do you see that?
16:11:27 8	operations?	16:35:07 8	<b>A. Yes.</b>
16:11:28 9	<b>A. Yes.</b>	16:35:07 9	Q. And there's a number of items listed
16:11:28 10	MR. LUDMER: Object as vague.	16:35:10 10	there. One of which, I think we talked about
16:11:30 11	BY MR. AZMAN:	16:35:14 11	earlier, briefly indicates the reasonableness
16:11:30 12	Q. And that the Department would take	16:35:16 12	of the price, correct?
16:11:32 13	equally as serious the evaluation of whether	16:35:18 13	<b>A. That's correct.</b>
16:11:36 14	lease payments are reasonable?	16:35:18 14	Q. And another factor is the
16:11:38 15	MR. LUDMER: Object as vague.	16:35:22 15	appropriateness of the space to the proposed
16:11:39 16	THE WITNESS: We would cite whether	16:35:24 16	activity.
16:11:42 17	the lease rate in the space is reasonable, yes.	16:35:26 17	Do you see that?
16:11:56 18	MS. WOODRUFF: Can we take a break,	16:35:26 18	<b>A. Yes.</b>
16:11:58 19	Mark?	16:35:26 19	Q. And does that mean the appropriateness
16:11:58 20	MR. AZMAN: Yes.	16:35:29 20	of the building for a school operation?
16:11:59 21	MS. WOODRUFF: Thanks.	16:35:32 21	<b>A. I would assume so, yes.</b>
16:11:59 22	THE VIDEOGRAPHER: We are going off	16:35:35 22	Q. And C indicates conformity of the lease
16:12:00 23	the record.	16:35:40 23	to the laws and rules of the State of
16:12:01 24	The time now is 4:11 p.m.	16:35:44 24	Minnesota.
16:28:59 25	(Recess.)	16:35:44 25	Do you see that?
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16:32:41 1	THE VIDEOGRAPHER: We are back on	16:35:44 1	<b>A. Yes.</b>
16:32:54 2	the record. This marks the beginning of tape	16:35:45 2	Q. What is your understanding of what item
16:32:56 3	number 4 in the deposition of Chas Anderson.	16:35:51 3	C is discussing?
16:32:59 4	The time now is 4:32 p.m.	16:35:55 4	<b>A. I think with respect to the lease</b>
16:33:03 5	(Exhibit Number 503 marked for	16:35:57 5	<b>agreement and the lease space, that it meets</b>
16:33:17 6	identification.)	16:36:00 6	<b>the laws of the -- and rules of the State of</b>
16:33:17 7	BY MR. AZMAN:	16:36:03 7	<b>Minnesota. I think it speaks for itself.</b>
16:33:19 8	Q. I'm having marked as Exhibit 503 a	16:36:05 8	Q. It may. But my question also is with
16:33:21 9	letter from what appears to be the predecessor	16:36:08 9	regard to the lease itself. Does the
16:33:24 10	of the Department of Ed, the Department of	16:36:13 10	Department review the actual lease -- proposed
16:33:28 11	Children, Family and Learning.	16:36:16 11	lease document as part of the lease aid
16:33:30 12	If you could take a look at this for me.	16:36:19 12	application process?
16:33:46 13	<b>A. (Reviews document.) All right. I've</b>	16:36:20 13	<b>A. I -- I'm not sure if they did that in</b>
16:34:13 14	<b>reviewed the letter.</b>	16:36:22 14	<b>the early years. This is from 2003. I'm not</b>
16:34:14 15	Q. And just so we're clear for the record,	16:36:25 15	<b>certain -- I can't say for certain that that</b>
16:34:18 16	the Minnesota Department of Children, Families	16:36:28 16	<b>happened in 2003.</b>
16:34:20 17	and Learning was a name that the Department of	16:36:29 17	Q. Did that begin to happen in subsequent
16:34:24 18	Education used by legislative directive for a	16:36:32 18	years?
16:34:28 19	few years in the early 2000s, is that fair?	16:36:32 19	<b>A. I think in recent years they have</b>
16:34:30 20	<b>A. I think it was changed in the 1990s, and</b>	16:36:35 20	<b>been -- they have been looking at those lease</b>
16:34:33 21	<b>then the legislature repealed that in 2003 and</b>	16:36:37 21	<b>agreements, but I'm not certain that that</b>
16:34:36 22	<b>we became the Department of Education again.</b>	16:36:39 22	<b>happened in 2003.</b>
16:34:40 23	Q. Thank you for that clarification.	16:36:39 23	Q. But in order to determine the conformity
16:34:42 24	This document, Exhibit 503, appears to	16:36:42 24	of the lease to the laws and rules of the State
16:34:46 25	be the Department's review and approval of	16:36:44 25	of Minnesota, that would include at least some

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16:36:47	1 review of the actual lease, correct?	16:38:45	1 Q. And below the bullet points it states,
16:36:49	2 <b>A. You would think so, yes, but I'm not --</b>	16:38:49	2 "...the lease aid request for instructional
16:36:51	3 <b>I can't say for certain that happened.</b>	16:38:52	3 space appears to be within the margin of other
16:36:53	4 Q. Item D states, "The appropriateness of	16:38:55	4 leases in the Inver Grove Heights area."
16:37:07	5 the proposed lease to space needs."	16:38:57	5 Did I read that correctly?
16:37:08	6 What do you understand that to be	16:38:58	6 <b>A. Yes. "In this case..." is that the</b>
16:37:12	7 reviewing?	16:39:00	7 <b>sentence it starts out?</b>
16:37:13	8 <b>A. So what they would probably look at is</b>	16:39:01	8 Q. Yes.
16:37:15	9 <b>the enrollment numbers for the school and then</b>	16:39:03	9 <b>A. Yes.</b>
16:37:17	10 <b>the corresponding space they want to lease and</b>	16:39:03	10 Q. Thank you. And that means that the
16:37:19	11 <b>make sure that that's appropriate, it's not too</b>	16:39:05	11 Department is approving of the reasonableness
16:37:22	12 <b>large, not too small.</b>	16:39:09	12 of the cost of the lease, correct?
16:37:24	13 Q. The next set of bullet points falls	16:39:11	13 <b>A. Correct.</b>
16:37:35	14 under a title heading Appropriateness of the	16:39:11	14 Q. Are you aware of what information the
16:37:37	15 Space.	16:39:17	15 Department has available to it as of August of
16:37:38	16 Do you see that?	16:39:22	16 '03 regarding lease rates for comparable
16:37:38	17 <b>A. Yes. Is that D?</b>	16:39:29	17 properties in the Inver Grove Heights area?
16:37:43	18 Q. Well, if you go down --	16:39:31	18 <b>A. I'm not aware of what information they</b>
16:37:45	19 <b>A. Oh, yes. Down in bold you mean?</b>	16:39:33	19 <b>looked at.</b>
16:37:46	20 Q. Yes.	16:39:33	20 Q. Who would be available at the Department
16:37:46	21 <b>A. Yes.</b>	16:39:36	21 to provide that information?
16:37:47	22 Q. All right. Thank you. In applying	16:39:38	22 <b>A. You know, I'm not really certain. I</b>
16:37:49	23 criteria B, the Department typically examines	16:39:44	23 <b>don't -- I mean, now what they do is they take</b>
16:37:53	24 the following and it lists a number of bullet	16:39:48	24 <b>a look at other -- the Twin Cities and look at</b>
16:37:55	25 points there.	16:39:50	25 <b>the market rate of other charter schools.</b>
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16:37:56	1 Do you see that?	16:39:53	1 <b>Would probably -- the director of the division</b>
16:37:56	2 <b>A. Yes.</b>	16:39:55	2 <b>that administers the lease aid program is</b>
16:37:56	3 Q. And there's a statement under those	16:39:58	3 <b>Tom Melcher.</b>
16:38:02	4 bullet points that indicates, "The	16:39:59	4 Q. Does Mr. Melcher actually conduct
16:38:03	5 instructional space is adequate to implement	16:40:03	5 reviews of the lease aid applications?
16:38:05	6 the prescribed educational program for the	16:40:06	6 <b>A. His staff conduct the reviews.</b>
16:38:09	7 students in the Inver Grove Heights area."	16:40:07	7 Q. And would his staff include John Bulger?
16:38:10	8 Do you see that?	16:40:12	8 <b>A. Yes. But I'm not -- I do not believe</b>
16:38:10	9 <b>A. Yes.</b>	16:40:14	9 <b>that John Bulger works on the lease aid program</b>
16:38:11	10 Q. And that is a statement by the	16:40:17	10 <b>any longer.</b>
16:38:13	11 Department that -- that -- a statement of	16:40:17	11 Q. What about an individual named
16:38:16	12 approval by the Department of the instructional	16:40:20	12 Greg Hein?
16:38:19	13 space, correct?	16:40:21	13 <b>A. Yes, I believe he is the individual that</b>
16:38:20	14 <b>A. That's correct.</b>	16:40:23	14 <b>works on the lease aid program now. But he's a</b>
16:38:20	15 Q. The next bold language indicates	16:40:26	15 <b>recent -- that's a recent job that he's taken</b>
16:38:26	16 reasonableness of the cost.	16:40:31	16 <b>on in the last year.</b>
16:38:27	17 Do you see that?	16:40:32	17 Q. Who would know besides -- well, strike
16:38:28	18 <b>A. Yes.</b>	16:40:32	18 that.
16:38:28	19 Q. And there's a number of criteria that	16:40:37	19 Of Mr. Melcher's staff, who would know
16:38:31	20 the letter identifies the Department reviews	16:40:40	20 the most regarding lease aid -- review of lease
16:38:36	21 including cost or value of the property,	16:40:43	21 aid applications by charter schools?
16:38:40	22 location, lease rates for comparable properties	16:40:45	22 <b>A. I guess I would just start with Tom,</b>
16:38:43	23 in the same area, et cetera.	16:40:49	23 <b>because he's had several staff work on the</b>
16:38:45	24 Do you see that?	16:40:52	24 <b>program within his division. And so there's</b>
16:38:45	25 <b>A. Yes.</b>	16:40:54	25 <b>several staff at certain points in time that</b>

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16:40:57	1	16:44:40	1
16:41:02	2	16:44:53	2
16:41:04	3	16:44:56	3
16:41:06	4	16:44:58	4
16:41:09	5	16:45:00	5
16:41:14	6	16:45:01	6
16:41:17	7	16:45:05	7
16:41:19	8	16:45:10	8
16:41:19	9	16:45:14	9
16:41:21	10	16:45:21	10
16:41:23	11	16:45:24	11
16:41:23	12	16:45:28	12
16:41:24	13	16:45:31	13
16:41:24	14	16:45:40	14
16:41:26	15	16:45:43	15
16:41:27	16	16:45:43	16
16:41:27	17	16:45:57	17
16:41:28	18	16:45:57	18
16:41:30	19	16:45:58	19
16:41:32	20	16:46:00	20
16:41:33	21	16:46:12	21
16:41:34	22	16:46:15	22
16:41:34	23	16:46:18	23
16:41:36	24	16:46:21	24
16:41:37	25	16:46:25	25
Page 286		Page 288	
16:41:44	1	16:46:28	1
16:41:46	2	16:46:33	2
16:41:49	3	16:46:35	3
16:41:54	4	16:46:40	4
16:41:57	5	16:46:43	5
16:41:57	6	16:46:47	6
16:42:00	7	16:46:50	7
16:42:01	8	16:46:53	8
16:42:31	9	16:47:01	9
16:42:34	10	16:47:02	10
16:42:36	11	16:47:05	11
16:43:34	12	16:47:08	12
16:43:56	13	16:47:10	13
16:43:56	14	16:47:11	14
16:43:56	15	16:47:12	15
16:43:58	16	16:47:14	16
16:44:06	17	16:47:16	17
16:44:14	18	16:47:17	18
16:44:16	19	16:47:20	19
16:44:20	20	16:47:23	20
16:44:21	21	16:47:26	21
16:44:21	22	16:47:27	22
16:44:21	23	16:47:27	23
16:44:32	24	16:47:29	24
16:44:36	25	16:47:34	25

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16:47:36 1	would approve fiscal year 5 in 2004. So this	16:50:28 1	4 and it should say fiscal year 5. And that's
16:47:43 2	actually probably was a draft or something that	16:50:32 2	under Summary.
16:47:46 3	didn't go out maybe. I don't know. But it	16:50:32 3	Q. In both 504 and 505?
16:47:49 4	should be -- probably should be dated 2004 and	16:50:39 4	A. That's correct.
16:47:53 5	it should be for fiscal year 5.	16:50:40 5	Q. Okay.
16:47:56 6	Q. And that's Exhibit 504?	16:50:42 6	A. And then in 503, although on the first
16:47:59 7	A. That's correct.	16:50:42 7	page in the first line fiscal year '03 should
16:47:59 8	Q. Okay.	16:50:49 8	be fiscal year 4, they have it correct on
16:48:01 9	A. And then 503 should probably be fiscal	16:50:50 9	page 2, which is under the summary, they do
16:48:07 10	year 4, not fiscal year 3.	16:50:53 10	list fiscal year 4.
16:48:22 11	Q. All right. This is kind of a mess. Can	16:50:58 11	Q. So after all that, these exhibits
16:48:24 12	I have you take a look at Exhibit 503?	16:51:01 12	represent approvals by the Department for
16:48:24 13	A. Uh-huh.	16:51:03 13	TiZA's fiscal year '04 and '05 lease aid
16:48:28 14	Q. And do you have all those in front of	16:51:08 14	applications?
16:48:29 15	you?	16:51:08 15	A. That's correct.
16:48:30 16	A. Yes.	16:51:09 16	Q. Were you involved in lease aid
16:48:31 17	Q. Actually, perhaps Exhibit 503 began the	16:51:40 17	application reviews?
16:48:40 18	series of errors. It references fiscal year	16:51:42 18	A. No.
16:48:44 19	'03. Should that be fiscal year '04 perhaps?	16:51:43 19	Q. After you became deputy commissioner,
16:48:48 20	A. Yes, because -- yes, it should be fiscal	16:51:51 20	that fell under your oversight in your
16:48:51 21	year '04, because fiscal year 4 started July 1	16:51:54 21	position?
16:48:57 22	of 2003.	16:51:54 22	A. It's actually the director of the agency
16:48:57 23	Q. All right. And you understand TiZA's	16:51:57 23	that oversees lease aid reported to me.
16:48:58 24	first year of operations was the '03-'04 school	16:52:00 24	Q. Is that Mr. Melcher?
16:49:04 25	year?	16:52:02 25	A. Yes.
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16:49:04 1	A. That's correct. And then the July 1	16:52:02 1	Q. The errors in 503, 504 and 505 were --
16:49:06 2	would be the first -- that's when they would	16:52:36 2	appear to be just clerical-type errors,
16:49:07 3	start their aid payments actually on the 15th	16:52:41 3	correct?
16:49:09 4	in -- of 2003.	16:52:41 4	A. They appear to be typos, yes.
16:49:12 5	Q. All right. So 504 then should be the	16:52:43 5	Q. I suspect the parties, TiZA and the
16:49:19 6	fiscal year '05?	16:52:45 6	State, knew what the real fiscal years were
16:49:21 7	A. That's correct.	16:52:52 7	supposed to be, correct?
16:49:21 8	Q. And perhaps 505 is really the identical	16:52:53 8	A. Yes.
16:49:25 9	letter?	16:52:53 9	MR. LUDMER: Objection, calls for
16:49:25 10	A. It's typed -- it appears typed the	16:52:54 10	speculation.
16:49:28 11	identical letter. And so the date is wrong.	16:52:54 11	BY MR. AZMAN:
16:49:30 12	It probably should be September 10th, 2004.	16:52:54 12	Q. I mean, you don't have any reason to
16:49:33 13	And it should be for fiscal year 2005.	16:52:56 13	believe that TiZA wasn't paid for the lease aid
16:49:37 14	Q. 504 and 505 actually look like the same	16:52:58 14	for those fiscal years?
16:49:43 15	signature even.	16:53:00 15	A. I believe they were paid for those --
16:49:48 16	A. Yeah, it's John Ryberg.	16:53:02 16	lease aid for those fiscal years.
16:49:54 17	Q. So do we agree that Exhibit 504 and 505	16:53:03 17	Q. You don't recall any disputes regarding
16:50:00 18	both represent the fiscal year '05?	16:53:06 18	lease aid for those fiscal years '04 and '05
16:50:03 19	A. Yes.	16:53:11 19	regarding TiZA?
16:50:03 20	Q. Okay. All right. Thank you. And that	16:53:12 20	A. No, I don't recall any.
16:50:11 21	fiscal year '05 lease aid application was	16:53:12 21	(Exhibit Number 506 marked for
16:50:14 22	approved for TiZA?	16:53:35 22	identification.)
16:50:17 23	A. It appears from this letter that, yes,	16:53:35 23	BY MR. AZMAN:
16:50:19 24	it was approved. And then I should note on	16:53:35 24	Q. I'm showing you what's been marked as
16:50:22 25	page 2 of both 504 and 505 it says fiscal year	16:53:37 25	Exhibit 506. It's a similar letter as the

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16:53:46	1 prior exhibits we've looked at regarding lease	16:58:27	1 sure if it got mixed up somewhere else or not.
16:53:49	2 aid.	16:58:30	2 But there's no reason for you to believe
16:53:50	3 Is this an approval of TiZA's lease aid	16:58:32	3 that TiZA's fiscal year '07 lease aid was not
16:53:53	4 application for fiscal year '06?	16:58:37	4 approved?
16:53:55	5 <b>A. (Reviews document.) Yes. And it</b>	16:58:38	5 <b>A. No.</b>
16:53:56	6 <b>appears they have the correct fiscal years on</b>	16:58:43	6 Q. And in 507 the Department continued its
16:54:00	7 <b>this letter.</b>	16:58:50	7 habit of identifying the criteria for approval
16:54:02	8 Q. That's good. And at the top of the	16:58:53	8 of lease aid applications.
16:54:04	9 second page underneath the two bullet points it	16:58:55	9 Do you see that?
16:54:08	10 states, "In this case, the lease aid request	16:58:55	10 <b>A. Yes.</b>
16:54:10	11 for instructional space appears to be within	16:58:56	11 Q. And in 508 and 9 the Department seemed
16:54:13	12 the margin of other leases in the Inver Grove	16:59:05	12 to stop that practice. Do you know why?
16:54:16	13 Heights area."	16:59:09	13 <b>A. No, I do not.</b>
16:54:16	14 Do you see that?	16:59:10	14 Q. Were you involved at all in any
16:54:17	15 <b>A. Yes.</b>	16:59:13	15 discussions regarding the change in the form
16:54:17	16 Q. You don't have any reason to doubt that	16:59:16	16 letter, if you will?
16:54:19	17 statement by the Department?	16:59:17	17 <b>A. No.</b>
16:54:20	18 <b>A. No.</b>	16:59:17	18 Q. And I'd like to take a look at 509. In
16:55:36	19 <b>(Exhibit Numbers 507 to 510 marked</b>	16:59:35	19 the first paragraph, the beginning of the
16:56:51	20 <b>for identification.)</b>	16:59:41	20 second sentence, of course, states, "The
16:56:51	21 BY MR. AZMAN:	16:59:42	21 application has been approved."
16:56:51	22 Q. Could you look at Exhibits 507, 8 and 9	16:59:44	22 Do you see that? Correct?
16:56:56	23 for me and --	16:59:45	23 <b>A. Yes.</b>
16:57:00	24 <b>A. (Reviews document.) Yes.</b>	16:59:46	24 Q. And then the last sentence states, "The
16:57:00	25 Q. And these documents represent approvals	16:59:49	25 approved cost includes net rent for the
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16:57:04	1 of TiZA's lease aid for fiscal years '07, '08	16:59:52	1 school's two approved sites." And it has an
16:57:09	2 and '09, correct?	16:59:55	2 Inver Grove Heights location and a Blaine
16:57:14	3 MR. LUDMER: Counsel, can you just	16:59:59	3 location.
16:57:16	4 identify them by the dates so I can have them	16:59:59	4 Do you see that?
16:57:18	5 numbered properly?	17:00:00	5 <b>A. Yes.</b>
16:57:18	6 MR. AZMAN: Oh. Sure. Sorry. 507	17:00:00	6 Q. And the Inver Grove Heights location
16:57:19	7 is August 1, 2006. 508 is July 13, 2007. 509	17:00:06	7 indicates there's a lease from the Muslim
16:57:31	8 is December 22, 2008. And 510, which is not a	17:00:10	8 American Society of Minnesota.
16:57:38	9 TiZA letter, is May 29, 2009.	17:00:10	9 Do you see that?
16:57:43	10 MR. LUDMER: Thank you very much.	17:00:11	10 <b>A. Yes.</b>
16:57:44	11 MR. AZMAN: Sure.	17:00:11	11 Q. And despite that lease -- or that -- the
16:57:47	12 THE WITNESS: So document 507 does	17:00:14	12 Muslim American Society being a lessor, that
16:57:50	13 not include a signature page. But it appears	17:00:18	13 did not appear to impede the Department's
16:57:53	14 to be an approval letter in fiscal year 7. 508	17:00:22	14 approval of the lease aid for fiscal year '09,
16:57:58	15 appears to be an approval letter for TiZA in	17:00:26	15 correct?
16:58:01	16 fiscal year 8. Document 509 appears to be	17:00:26	16 MR. LUDMER: Objection, calls for
16:58:04	17 approval letter for fiscal year '09 for TiZA.	17:00:28	17 speculation.
16:58:07	18 And then document 510 is an approval letter for	17:00:28	18 THE WITNESS: Without seeing the
16:58:12	19 the Twin Cities Academy High School for fiscal	17:00:29	19 full application, I would have to say no.
16:58:16	20 year '10.	17:00:32	20 It -- they appear to have met the criteria in
16:58:18	21 BY MR. AZMAN:	17:00:36	21 law.
16:58:18	22 Q. Now, on 507 I noticed that as well that	17:00:36	22 BY MR. AZMAN:
16:58:21	23 there is a lack of a signature page. But I	17:00:44	23 Q. And even if there was a review of the
16:58:24	24 will represent to you that is the way the	17:00:46	24 lease aid application, at least this letter
16:58:25	25 Commissioner produced it to us. So I'm not	17:00:49	25 provides approval, correct, for fiscal year

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17:46:30	1 (Recess.)	17:59:21	1 response in the event additional information
17:57:06	2 THE VIDEOGRAPHER: We are back on	17:59:23	2 becomes available, the Commissioner makes none
17:57:07	3 the record.	17:59:26	3 of the contentions or claims listed in request
17:57:07	4 The time now is 5:57 p.m.	17:59:29	4 number 9.
17:57:10	5 MS. WOODRUFF: Before we resume	17:59:30	5 So it is fair to state then that the
17:57:12	6 questioning, I think the witness would like to	17:59:35	6 Commissioner is not contending that TiZA's
17:57:14	7 just clarify some previous testimony.	17:59:38	7 operations have imposed an excessive monitoring
17:57:18	8 THE WITNESS: Yeah. I just would	17:59:42	8 burden on the Department.
17:57:19	9 like to clarify that as of when I left the	17:59:44	9 Would you agree with that statement?
17:57:22	10 Department on June 4th, 2010 there were still	17:59:44	10 MS. WOODRUFF: Object to form.
17:57:25	11 some open issues about the dress code. I	17:59:45	11 That's not -- the document speaks for itself.
17:57:27	12 wouldn't characterize it as an investigation,	17:59:46	12 THE WITNESS: I would say the
17:57:30	13 but rather concerns about it. And I believe	17:59:47	13 Commissioner has stated that in her -- in the
17:57:32	14 that those concerns had not been resolved or at	17:59:51	14 response that she does not make any of the
17:57:35	15 least were not resolved by the time I left the	17:59:56	15 contentions or claims listed in interrogatory
17:57:38	16 Department on June 4th of 2010.	17:59:59	16 number 9.
17:57:42	17 BY MR. AZMAN:	17:59:59	17 BY MR. AZMAN:
17:57:43	18 Q. Thank you for the clarification.	18:00:00	18 Q. And as you understand it, the
17:57:45	19 Who at the Department would be handling	18:00:02	19 Commissioner then is not contending that TiZA's
17:57:47	20 that at the time you left?	18:00:05	20 operations have imposed any excessive
17:57:48	21 <b>A. I believe Amy Roberts, the director of</b>	18:00:05	21 monitoring burdens on the Department?
17:57:53	22 <b>compliance, is responsible for handling that</b>	18:00:06	22 MS. WOODRUFF: I'm going to object
17:57:56	23 <b>issue.</b>	18:00:08	23 again to the form. That's not what the
17:57:56	24 Q. Has there been any contact with TiZA	18:00:10	24 document says.
17:57:59	25 regarding that issue?	18:00:11	25 BY MR. AZMAN:
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17:58:00	1 <b>A. I do not know. I'm not aware of any</b>	18:00:12	1 Q. Would you agree that the -- the -- that
17:58:05	2 <b>contact when I left. The Department did send</b>	18:00:17	2 TiZA's operations have not imposed an excessive
17:58:09	3 <b>TiZA a letter in late 2009, but I'm not aware</b>	18:00:21	3 monitoring burden on the Department?
17:58:13	4 <b>of any recent contact on that issue.</b>	18:00:22	4 MR. LUDMER: Objection, calls for a
17:58:16	5 Q. Thank you for the clarification.	18:00:23	5 legal conclusion.
17:58:18	6 I'd like to direct your attention to	18:00:23	6 THE WITNESS: I would say the
17:58:20	7 what we've had marked as Exhibit 516 --	18:00:25	7 Department takes complaints as they come in and
17:58:25	8 (Exhibit Number 516 marked for	18:00:28	8 the Department is responsible for reviewing
17:58:28	9 identification.)	18:00:29	9 those complaints. So the answer would be no.
17:58:28	10 BY MR. AZMAN:	18:00:32	10 That's the responsibility of the Department.
17:58:29	11 Q. -- specifically page 10 of that	18:00:34	11 BY MR. AZMAN:
17:58:31	12 document. This is the Commissioner's answers	18:01:18	12 Q. Did you participate in preparation of
17:58:42	13 to questions submitted by the TiZA Defendants	18:01:19	13 responses in Exhibit 516?
17:58:46	14 in this lawsuit. And I'm interested in	18:01:27	14 <b>A. The response to that question I have to</b>
17:58:49	15 interrogatory number 9. It states that do you,	18:01:29	15 <b>think about for a moment, because I think that</b>
17:58:54	16 Commissioner, or anyone employed at the MDE	18:01:31	16 <b>the preparation of this was done with our</b>
17:58:56	17 contend TiZA's operations impose excessive	18:01:33	17 <b>attorney and some of that might be privileged</b>
17:59:01	18 monitoring burdens on the Department as alleged	18:01:35	18 <b>information.</b>
17:59:04	19 by the ACLU. And if you go to the next page,	18:01:36	19 Q. Well, I'm not asking you for information
17:59:07	20 the final sentence of the paragraph just before	18:01:38	20 that you've discussed with your attorneys so
17:59:12	21 interrogatory 10, do you see that?	18:01:41	21 much as whether or not you participated in
17:59:13	22 <b>A. (Reviews document.) Yes.</b>	18:01:43	22 providing factual information utilized in the
17:59:14	23 Q. It says: Finally, without waiving any	18:01:46	23 answers here?
17:59:16	24 of the Commissioner's stated objections, and	18:01:46	24 <b>A. I would say that I reviewed responses,</b>
17:59:19	25 without waiving any right to modify this	18:01:50	25 <b>drafts and provided input on it.</b>



<p style="text-align: right;">Page 361</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 DISTRICT OF MINNESOTA</p> <p>3</p> <p>4</p> <p>5 Court File No. 09-cv-00138</p> <p>6</p> <p>7 AMERICAN CIVIL LIBERTIES UNION OF</p> <p>8 MINNESOTA,</p> <p>9 Plaintiff,</p> <p>10 vs.</p> <p>11 TAREK IBN ZIYAD ACADEMY, et al.,</p> <p>12 Defendants.</p> <p>13</p> <p>14</p> <p>15</p> <p>16 VIDEOTAPED DEPOSITION OF</p> <p>17 CHAS ANDERSON, VOLUME 2</p> <p>18 Taken on Monday, October 4, 2010</p> <p>19 Scheduled for 1:00 p.m.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 REPORTED BY: Dana S. Anderson-Linnell</p>	<p style="text-align: right;">Page 363</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Defendants Tarek ibn Ziyad Academy,</p> <p>4 Asad Zaman, Asif Rahman, Mahrous Kandil, Mona</p> <p>5 Elnahrawy, Moira Fahey and Mohamed Farid:</p> <p>6 Mark R. Azman, Esquire</p> <p>7 JOHNSON &amp; CONDON</p> <p>8 7401 Metro Boulevard, Suite 600</p> <p>9 Minneapolis, MN 55439-3034</p> <p>10 Phone: 952.831.6544</p> <p>11 Email: mra@johnson-condon.com</p> <p>12</p> <p>13</p> <p>14 On Behalf of Defendant Islamic Relief USA:</p> <p>15 Timothy R. Obitts, Esquire</p> <p>16 GAMMON &amp; GRANGE, P.C.</p> <p>17 Seventh Floor</p> <p>18 8280 Greensboro Drive</p> <p>19 McLean, VA 22102</p> <p>20 Phone: 703.761.5000</p> <p>21 Email: tro@gg-law.com</p> <p>22</p> <p>23</p> <p>24 (Appearances continued on the next page.)</p> <p>25</p>
<p style="text-align: right;">Page 362</p> <p>1 VIDEOTAPED DEPOSITION OF CHAS ANDERSON, VOLUME 2,</p> <p>2 taken on Monday, October 4, 2010, commencing at</p> <p>3 1:12 p.m. at the offices of Dorsey and Whitney, 50</p> <p>4 South Sixth Street, Suite 1500, Minneapolis,</p> <p>5 Minnesota before Dana S. Anderson-Linnell, a Notary</p> <p>6 Public in and of the State of Minnesota.</p> <p>7 *****</p> <p>8</p> <p>9 APPEARANCES</p> <p>10</p> <p>11 On Behalf of Plaintiff American Civil Liberties</p> <p>12 Union of Minnesota:</p> <p>13 Ivan M. Ludmer, Esquire</p> <p>14 DORSEY &amp; WHITNEY</p> <p>15 50 South Sixth Street, Suite 1500</p> <p>16 Minneapolis, MN 55402</p> <p>17 Phone: 612.340.2600</p> <p>18 Email: ludmer.ivan@dorsey.com</p> <p>19</p> <p>20</p> <p>21 (Appearances continued on the next page.)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 364</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Defendant Commissioner of Education:</p> <p>4 Tamar Gronvall, Esquire</p> <p>5 MINNESOTA ATTORNEY GENERAL'S OFFICE</p> <p>6 445 Minnesota Street, Suite 900</p> <p>7 St. Paul, MN 55101</p> <p>8 Phone: 651.297.5922</p> <p>9 Email: tamar.gronvall@state.mn.us</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 ALSO PRESENT: Magdy Rabeaa</p> <p>15 Kyle Peterson, videographer</p> <p>16</p> <p>17</p> <p>18 NOTE: The original transcript will be filed with</p> <p>19 the Dorsey and Whitney Law Firm, pursuant to the</p> <p>20 applicable Rules of Civil Procedure.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

## Chas Anderson (Vol. 2), 10/4/2010

Page: 2

Page 365			Page 367		
1	INDEX		01:11:46	1	THE VIDEOGRAPHER: We are on the
2			01:11:48	2	record. Here begins tape number 1 in the
3	WITNESS: Chas Anderson	PAGE	01:11:50	3	Volume 2 deposition of Chas Anderson in the
4	EXAMINATION BY:		01:11:56	4	matter of ACLU of Minnesota versus TiZA, et al.
5	Mr. Ludmer	368	01:11:59	5	Today's date is October 4th, 2010.
6	Mr. Obitts	449	01:12:03	6	The time is 1:12 p.m.
7	Mr. Azman	458	01:12:06	7	The video operator is Kyle Peterson
8	Ms. Gronvall	464	01:12:08	8	of Paradigm Digital Videography.
9	Mr. Obitts	465	01:12:10	9	Would counsel please identify
10			01:12:12	10	themselves and state whom they represent.
11	INSTRUCTIONS NOT TO ANSWER: (None.)		01:12:14	11	MR. LUDMER: Ivan Ludmer on behalf
12			01:12:16	12	of the ACLU.
13	PRODUCTION REQUESTS: (None.)		01:12:17	13	MR. AZMAN: Mark Azman on behalf of
14			01:12:19	14	the TiZA defendants.
15	INDEX OF EXHIBITS:		01:12:21	15	MS. GRONVALL: Tamar Gronvall on
16			01:12:22	16	behalf of the Commissioner of Education.
17	Exhibit 568 - Charter Sponsor Quality Advisory		01:12:25	17	MR. OBITTS: Timothy Obitts on
18	Group agenda, January 31, 2008	389	01:12:27	18	behalf of Islamic Relief USA.
19			01:12:29	19	THE VIDEOGRAPHER: The court
20	Exhibit 569 - Emails produced by Tunheim		01:12:30	20	reporter is Dana Anderson of Paradigm Reporting
21	Partners	395		21	and Captioning. Would the reporter please
22				22	swear in the witness.
23	Exhibit 570 - Certification form that was part			23	
24	of the Commissioner's production	403		24	CHAS ANDERSON,
25				25	called as a witness, being first duly sworn, was
Page 366			Page 368		
1	INDEX OF EXHIBITS (continued):	PAGE		1	examined and testified as follows:
2				2	
3	Exhibit 571 - Background info that Morgan Brown			3	FURTHER EXAMINATION
4	put together regarding MDE oversight of TiZA	420	01:12:46	4	
5			01:12:46	5	BY MR. LUDMER:
6	Exhibit 572 - Email produced by TiZA, sent by		01:12:47	6	Q. Good afternoon, Ms. Anderson. We met
7	Wendy Swanson-Choi	444	01:12:49	7	last week. And I'm Ivan Ludmer and I represent
8			01:12:53	8	the ACLU in this case.
9	Exhibit 573 - Article	444	01:12:56	9	Let's start by asking: Who's
10			01:12:58	10	responsible for ensuring that charter schools
11			01:13:01	11	are not religious schools?
12			01:13:03	12	<b>A. It would be the Commissioner of</b>
13			01:13:05	13	<b>Education.</b>
14			01:13:06	14	Q. Anyone else?
15			01:13:07	15	<b>A. It would be staff that work for the</b>
16			01:13:09	16	<b>Commissioner at the Department who are assigned</b>
17			01:13:12	17	<b>to work with charter schools.</b>
18			01:13:13	18	Q. Anyone else?
19			01:13:15	19	<b>A. If there's any complaints, compliance</b>
20			01:13:20	20	<b>division staff review complaints. So they</b>
21			01:13:22	21	<b>would probably be involved as well.</b>
22			01:13:24	22	Q. Anyone else?
23			01:13:25	23	<b>A. Not that I can think of.</b>
24			01:13:26	24	MS. GRONVALL: Counsel, are you
25			01:13:28	25	referring to individuals at the Department of

## **EXHIBIT 13**

to the Declaration of Shamus P. O'Meara

# Tarek ibn Ziyad Academy

## Calendar 2007-2008

TiZA Documents 28374

Version 4

phone: 651-457-7072 fax: 651-457-7190  
www.TiZAcademy.com

Revised 7.26.2007

## July 2007

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

## August 2007

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	
12	13	14	15	16	17	18
19	20	21	22	23	24	
	27	28	29	30	31	

## September 2007

S	M	T	W	T	F	S
						1
2	X		5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

## October 2007

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	X	X	X	X	X	13
14	X	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

## November 2007

S	M	T	W	T	F	S
					1	2
4	5	6	7	8	9	10
11	12	13	14	15	X	17
18	19	20	21	X	X	24
25	26	27	28	29	30	

## December 2007

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	X	X	X	22
23	X	X	X	X	X	29
30	X					

## January 2008

S	M	T	W	T	F	S
			X	2	3	4
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	X	22	23	24	25	26
27	28	29	30			

## February 2008

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	X	19	20	21	22	23
24	25	26	27	28	29	

## March 2008

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	X	X	22
23	24	25	26	27	X	29
30						

## April 2008

S	M	T	W	T	F	S
						5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	X	26
27	28	29	30			

## May 2008

S	M	T	W	T	F	S
					1	2
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	X	27	28	29	30	31

## June 2008

S	M	T	W	T	F	S
1	2	3		5		7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

## KEY:

X-No School

#PTO Days -1st Saturday of each month

## Dates to Remember

8/11	Open House 5-7:30 - Inver Grove Heights
8/16-8/31	Staff Work Days/Professional Development
8/25	Open House 5-7:30 - Inver Grove Heights
8/26	Open House 5-7:30 - Blaine
9/3	Labor Day
9/4	First Day of School
9/10-9/21	NWEA Fall Testing Window (All Grades)
10/8-10/15	Ramadan Holiday
10/24	Picture Day
11/2	End of 1 <sup>st</sup> Quarter (40 days)
11/15-11/16	Parent/Teacher Conferences
11/22-11/23	Thanksgiving Holiday
12/19-12/31	Eid-al-Adha & Christmas Holiday
1/1	New Years Day
1/21	Martin Luther King Day
1/25	End of 2 <sup>nd</sup> Quarter (46 days)
1/31	Report Cards Sent Home
2/18	Presidents Day
3/20-3/21	Spring/Easter Break
3/3-3/27	TEAELS Testing Window (All ESL Students)
3/3-3/27	TEAE Testing Window (2 <sup>nd</sup> -8 <sup>th</sup> Grade ESL)
3/28	Staff Training Day
3/31	Scholastic Book Fair
4/1-4/4	Scholastic Book Fair
4/4	End of 3 <sup>rd</sup> Quarter (41 days)
4/3-4/4	Parent/Teacher Conferences
4/7-4/11	MN-WITES Testing Window (6 <sup>th</sup> Grade)
4/14-4/30	MCA & MTELL Testing Window (3 <sup>rd</sup> -8 <sup>th</sup> Grade)
5/5-5/9	MCA Science Testing Window (5 <sup>th</sup> -8 <sup>th</sup> Grade)
5/12-5/30	NWEA Spring Testing Window (All Grades)
5/23-5/26	Memorial Day
5/30	End of 4 <sup>th</sup> Quarter (39 days)
6/4	Carnival
6/6	Last Day of School
6/9-6/10	Staff Work Days
<b>172 student contact days</b>	
<b>Teacher Working Days (15 + 2 evenings)</b>	
8/16-8/29	Pre Year Staff Work Days
11/15 (evening)	Fall Conferences
11/16 (day)	Fall Conferences
3/28	Staff Training Day
4/3 (evening)	Spring Conferences
4/4 (day)	Spring Conferences
6/9-6/10	Year End Staff Work Days

Anderson

EXHIBIT NO. 485

D.S. ANDERSON

## **EXHIBIT 14**

to the Declaration of Shamus P. O'Meara

<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 DISTRICT OF MINNESOTA</p> <p>3</p> <p>4</p> <p>5 Court File No. 09-cv-00138</p> <p>6</p> <p>7 AMERICAN CIVIL LIBERTIES UNION OF</p> <p>8 MINNESOTA,</p> <p>9 Plaintiff,</p> <p>10 vs.</p> <p>11 TAREK IBN ZIYAD ACADEMY, et al.,</p> <p>12 Defendants.</p> <p>13</p> <p>14</p> <p>15</p> <p>16 DEPOSITION OF</p> <p>17 TASIA ISLAM, VOLUME 1</p> <p>18 Taken on Tuesday, August 31, 2010</p> <p>19 Scheduled for 9:00 a.m.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 REPORTED BY: Dana S. Anderson-Linnell</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Defendants Tarek Ibn Ziyad Academy,</p> <p>4 Asad Zaman, Asif Rahman, Mahrous Kandil, Mona</p> <p>5 Elnahrawy, Moira Fahey and Mohamed Farid:</p> <p>6 Mark R. Azman, Esquire</p> <p>7 JOHNSON &amp; CONDON</p> <p>8 7401 Metro Boulevard, Suite 600</p> <p>9 Minneapolis, MN 55439-3034</p> <p>10 Phone: 952.831.6544</p> <p>11 Email: mra@johnson-condon.com</p> <p>12</p> <p>13</p> <p>14 On Behalf of Defendant Islamic Relief USA:</p> <p>15 Timothy R. Obitts, Esquire</p> <p>16 GAMMON &amp; GRANGE, P.C.</p> <p>17 Seventh Floor</p> <p>18 8280 Greensboro Drive</p> <p>19 McLean, VA 22102</p> <p>20 Phone: 703.761.5000</p> <p>21 Email: tro@gg-law.com</p> <p>22</p> <p>23</p> <p>24 (Appearances continued on the next page.)</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 DEPOSITION OF TASIA ISLAM, VOLUME 1, taken on</p> <p>2 Tuesday, August 31, 2010, commencing at 9:15 a.m. at</p> <p>3 the offices of Dorsey and Whitney, 50 South Sixth</p> <p>4 Street, Suite 1500, Minneapolis, Minnesota before</p> <p>5 Dana S. Anderson-Linnell, a Notary Public in and of</p> <p>6 the State of Minnesota.</p> <p>7 *****</p> <p>8</p> <p>9 APPEARANCES</p> <p>10</p> <p>11 On Behalf of Plaintiff American Civil Liberties</p> <p>12 Union of Minnesota:</p> <p>13 Mark Wagner, Esquire</p> <p>14 Katie Pfeifer, Esquire</p> <p>15 DORSEY &amp; WHITNEY</p> <p>16 50 South Sixth Street, Suite 1500</p> <p>17 Minneapolis, MN 55402</p> <p>18 Phone: 612.340.2600</p> <p>19 Email: wagner.mark@dorsey.com</p> <p>20 pfeifer.katie@dorsey.com</p> <p>21</p> <p>22 (Appearances continued on the next page.)</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Defendant Commissioner of Education:</p> <p>4 Kathryn Woodruff, Esquire</p> <p>5 MINNESOTA ATTORNEY GENERAL'S OFFICE</p> <p>6 445 Minnesota Street, Suite 900</p> <p>7 St. Paul, MN 55101</p> <p>8 Phone: 651.297.5934</p> <p>9 Email: kathryn.woodruff@state.mn.us</p> <p>10</p> <p>11</p> <p>12 ALSO PRESENT: Magdy Rabeaa</p> <p>13 Teresa Nelson</p> <p>14 Beverly Perez</p> <p>15</p> <p>16 NOTE: The original transcript will be filed with</p> <p>17 the Dorsey and Whitney Law Firm, pursuant to the</p> <p>18 applicable Rules of Civil Procedure.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Page 53	Page 55
<p>1 MR. AZMAN: Same objection.</p> <p>2 THE WITNESS: As far as I know, yes,</p> <p>3 they were allowed to pray.</p> <p>4 BY MR. WAGNER:</p> <p>5 Q. Just to clarify, I believe you testified</p> <p>6 before that this happened during the very first</p> <p>7 week that TiZA was open?</p> <p>8 <b>A. In my classroom students were allowed to</b></p> <p>9 <b>pray when they wanted to starting from day one</b></p> <p>10 <b>as long as it was not during the middle of a</b></p> <p>11 <b>lesson.</b></p> <p>12 Q. Turning to Exhibit 276, which I believe</p> <p>13 is already open in front of you?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. Is there any particular room or rooms</p> <p>16 that students tended to use for prayers?</p> <p>17 <b>A. Not a particular room necessarily. I</b></p> <p>18 <b>can speak to how things went in the lower</b></p> <p>19 <b>concourse, because that's where my classroom</b></p> <p>20 <b>was. When students in my class -- again, I was</b></p> <p>21 <b>in room 99, when students in my class wanted to</b></p> <p>22 <b>pray during the school day, they would check</b></p> <p>23 <b>themselves out of the room, because I knew</b></p> <p>24 <b>where they were going, and they would just go</b></p> <p>25 <b>out to this area marked common area. That way</b></p>	<p>1 because it was a carpeted area. Why is that</p> <p>2 important?</p> <p>3 <b>A. It's inherently cleaner than the</b></p> <p>4 <b>surrounding tiled area where people walk with</b></p> <p>5 <b>their dirty shoes.</b></p> <p>6 Q. Did people walk on the carpeted area</p> <p>7 with their shoes?</p> <p>8 <b>A. No, we asked that shoes be off of there.</b></p> <p>9 Q. Who is we?</p> <p>10 <b>A. The teachers and I who used these rooms</b></p> <p>11 <b>down here (indicating).</b></p> <p>12 Q. Did Asad Zaman walk with his shoes on in</p> <p>13 that carpeted area?</p> <p>14 MR. AZMAN: Object on foundation.</p> <p>15 THE WITNESS: I never observed him.</p> <p>16 BY MR. WAGNER:</p> <p>17 Q. Did you sometimes observe Asad Zaman in</p> <p>18 that portion of the school?</p> <p>19 <b>A. Rarely.</b></p> <p>20 Q. Did you ever see him walking on the</p> <p>21 carpeted area with shoes?</p> <p>22 <b>A. No.</b></p> <p>23 Q. Did you ever see him take his shoes off</p> <p>24 to walk on the carpeted area?</p> <p>25 <b>A. No.</b></p>
Page 54	Page 56
<p>1 <b>I could peak out the door and watch and make</b></p> <p>2 <b>sure that they were not misbehaving. And</b></p> <p>3 <b>that's where they would do their prayers and</b></p> <p>4 <b>then just come back to the classroom. I also</b></p> <p>5 <b>did that my second year, because I had the same</b></p> <p>6 <b>classroom again.</b></p> <p>7 Q. Why do they use that area?</p> <p>8 <b>A. It was within -- I can't remember the</b></p> <p>9 <b>legal term for it -- where I could -- they were</b></p> <p>10 <b>within ear shot and sometimes sight of me at</b></p> <p>11 <b>all times that way. And it was not in the</b></p> <p>12 <b>classrooms. They were not disrupting anything</b></p> <p>13 <b>going on in there. And it's also a carpeted</b></p> <p>14 <b>area.</b></p> <p>15 Q. Was that area referred to by any other</p> <p>16 names?</p> <p>17 <b>A. I just called it the carpeted area, not</b></p> <p>18 <b>that I am aware of.</b></p> <p>19 Q. Was it ever referred to as a prayer rug?</p> <p>20 MR. AZMAN: Object on foundation,</p> <p>21 asked and answered.</p> <p>22 THE WITNESS: Not that I am aware of</p> <p>23 and not by me.</p> <p>24 BY MR. WAGNER:</p> <p>25 Q. You mentioned that that area was used</p>	<p>1 Q. Would you have been surprised to see him</p> <p>2 walking in the carpeted area with his shoes?</p> <p>3 MR. AZMAN: Object on foundation,</p> <p>4 form.</p> <p>5 BY MR. WAGNER:</p> <p>6 Q. Remembering that you are under oath.</p> <p>7 <b>A. Yes.</b></p> <p>8 MR. AZMAN: She knows she's under</p> <p>9 oath.</p> <p>10 THE WITNESS: Yes, but because I</p> <p>11 know him and I know his culture that you always</p> <p>12 take your shoes off when you are on a carpeted</p> <p>13 area in a home or in a place where people are</p> <p>14 going to be sitting directly on it. It's a</p> <p>15 cleanliness thing.</p> <p>16 BY MR. WAGNER:</p> <p>17 Q. What's his culture?</p> <p>18 <b>A. He's from Bangladesh as is my husband.</b></p> <p>19 <b>And we have a no-shoes rule in our house too.</b></p> <p>20 <b>That's why I would be surprised if I saw him</b></p> <p>21 <b>with his shoes on the carpet, cultural thing.</b></p> <p>22 Q. Is there carpet in this conference room?</p> <p>23 <b>A. There is, but this different because</b></p> <p>24 <b>it's a public space. It's not a private space</b></p> <p>25 <b>or a place where we are going to be sitting on</b></p>

## **EXHIBIT 15**

to the Declaration of Shamus P. O'Meara



**Karen Anderson, Volume I, 9/14/2010****Page: 1**

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<p>1 UNITED STATES DISTRICT COURT</p> <p>2 DISTRICT OF MINNESOTA</p> <p>3</p> <p>4</p> <p>5 Court File No. 09-cv-00138</p> <p>6</p> <p>7 AMERICAN CIVIL LIBERTIES UNION OF</p> <p>8 MINNESOTA,</p> <p>9 Plaintiff,</p> <p>10 vs.</p> <p>11 TAREK IBN ZIYAD ACADEMY, et al.,</p> <p>12 Defendants.</p> <p>13</p> <p>14</p> <p>15</p> <p>16 DEPOSITION OF</p> <p>17 KAREN ANDERSON, VOLUME 1</p> <p>18 Taken on Tuesday, September 14, 2010</p> <p>19 Scheduled for 1:30 p.m.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 REPORTED BY: Dana S. Anderson-Linnell</p>	<p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Defendants Tarek Ibn Ziyad Academy,</p> <p>4 Asad Zaman, Asif Rahman, Mahrous Kandil, Mona</p> <p>5 Elnahrawy, Moira Fahey and Mohamed Farid and the</p> <p>6 Witness:</p> <p>7 Mark R. Azman, Esquire</p> <p>8 JOHNSON &amp; CONDON</p> <p>9 7401 Metro Boulevard, Suite 600</p> <p>10 Minneapolis, MN 55439-3034</p> <p>11 Phone: 952.831.6544</p> <p>12 Email: mra@johnson-condon.com</p> <p>13</p> <p>14</p> <p>15 On Behalf of Defendant Islamic Relief USA:</p> <p>16 Timothy R. Obitts, Esquire</p> <p>17 GAMMON &amp; GRANGE, P.C.</p> <p>18 Seventh Floor</p> <p>19 8280 Greensboro Drive</p> <p>20 McLean, VA 22102</p> <p>21 Phone: 703.761.5000</p> <p>22 Email: tro@gg-law.com</p> <p>23</p> <p>24</p> <p>25 (Appearances continued on the next page.)</p>
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<p>1 DEPOSITION OF KAREN ANDERSON, VOLUME 1, taken on</p> <p>2 Tuesday, September 14, 2010, commencing at 5:31 p.m.</p> <p>3 at the offices of Dorsey and Whitney, 50 South Sixth</p> <p>4 Street, Suite 1500, Minneapolis, Minnesota before</p> <p>5 Dana S. Anderson-Linnell, a Notary Public in and of</p> <p>6 the State of Minnesota.</p> <p>7 *****</p> <p>8</p> <p>9 APPEARANCES</p> <p>10</p> <p>11 On Behalf of Plaintiff American Civil Liberties</p> <p>12 Union of Minnesota:</p> <p>13 Dustin J. Adams, Esquire</p> <p>14 Ivan M. Ludmer, Esquire (partial day)</p> <p>15 Mark Wagner, Esquire</p> <p>16 DORSEY &amp; WHITNEY</p> <p>17 50 South Sixth Street, Suite 1500</p> <p>18 Minneapolis, MN 55402</p> <p>19 Phone: 612.340.2600</p> <p>20 Email: adams.dustin@dorsey.com</p> <p>21 ludmer.ivan@dorsey</p> <p>22 wagner.mark@dorsey.com</p> <p>23</p> <p>24</p> <p>25 (Appearances continued on the next page.)</p>	<p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Defendant Islamic Relief USA:</p> <p>4 Sarah E. Bushnell, Esquire</p> <p>5 KELLY &amp; BERENS, P.A.</p> <p>6 3720 IDS Center</p> <p>7 Minneapolis, MN 55402</p> <p>8 Phone: 612.349.6171</p> <p>9 Email: sbushnell@kellyandberens.com</p> <p>10</p> <p>11</p> <p>12 On Behalf of Defendant Commissioner of Education:</p> <p>13 Kathryn Woodruff, Esquire</p> <p>14 MINNESOTA ATTORNEY GENERAL'S OFFICE</p> <p>15 445 Minnesota Street, Suite 900</p> <p>16 St. Paul, MN 55101</p> <p>17 Phone: 651.297.5934</p> <p>18 Email: kathryn.woodruff@state.mn.us</p> <p>19</p> <p>20</p> <p>21 ALSO PRESENT: Magdy Rabeaa</p> <p>22</p> <p>23 NOTE: The original transcript will be filed with</p> <p>24 the Dorsey and Whitney Law Firm, pursuant to the</p> <p>25 applicable Rules of Civil Procedure.</p>

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06:32:30	1 Q. Can you explain how it changed?	06:35:28	1 Q. You don't seem too sure.
06:32:32	2 <b>A. I believe TiZA rented more rooms from</b>	06:35:33	2 <b>A. I'm trying to remember.</b>
06:32:37	3 <b>them.</b>	06:35:34	3 Q. Okay. Did you wear shoes in this room?
06:32:43	4 Q. Did they rent more rooms in your second	06:35:38	4 <b>A. No.</b>
06:32:48	5 year?	06:35:40	5 Q. It seemed like it took you a second to
06:32:48	6 <b>A. I don't think so.</b>	06:35:45	6 answer that. Are you trying to remember
06:33:07	7 Q. What about in your last year, which rooms	06:35:47	7 something?
06:33:10	8 did TiZA have in the MAS wing?	06:35:48	8 <b>A. Yes.</b>
06:33:14	9 <b>A. I believe they had all the rooms except</b>	06:35:48	9 Q. Why would that be a difficult question to
06:33:17	10 <b>for 106 and an office.</b>	06:35:50	10 answer?
06:33:25	11 Q. Was there any indication in room 106 that	06:35:51	11 <b>A. Just trying to remember. It's been a long</b>
06:33:28	12 it was a MAS room?	06:35:53	12 <b>time.</b>
06:33:29	13 <b>A. I don't know.</b>	06:35:53	13 Q. Did you ever take your shoes off at TiZA?
06:33:32	14 Q. Was there a sign on the door?	06:35:55	14 <b>A. Yes.</b>
06:33:35	15 <b>A. I don't know.</b>	06:35:56	15 Q. When?
06:33:36	16 Q. Did you ever go in that room?	06:35:56	16 <b>A. When it was nap time in my room sometimes</b>
06:33:38	17 <b>A. Yes.</b>	06:36:01	17 <b>I would. If my feet hurt in my room sometimes</b>
06:33:38	18 Q. What was in that room?	06:36:06	18 <b>I would. And I remember when I led Boy Scouts</b>
06:33:40	19 <b>A. Boy Scouts meetings.</b>	06:36:10	19 <b>in that room, I would also.</b>
06:33:54	20 Q. What was in the room? Was there	06:36:12	20 Q. Why did you take your shoes off to lead
06:33:57	21 furniture?	06:36:17	21 Boy Scouts in that room?
06:33:57	22 <b>A. A couple of chairs.</b>	06:36:18	22 <b>A. To keep it clean.</b>
06:34:02	23 Q. Anything else?	06:36:20	23 Q. Any other reason?
06:34:03	24 <b>A. I don't remember.</b>	06:36:22	24 <b>A. It seemed like the thing to do.</b>
06:34:13	25 Q. Was the room in any way different than any	06:36:27	25 Q. Why do you say that?
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06:34:17	1 other room?	06:36:29	1 <b>A. Because everybody else did it.</b>
06:34:18	2 <b>A. No.</b>	06:36:31	2 Q. Do you know why they did it?
06:34:18	3 Q. Did that room have carpet?	06:36:33	3 <b>A. I assume to keep the rug clean.</b>
06:34:22	4 <b>A. Yes.</b>	06:36:39	4 Q. Was the rug clean?
06:34:22	5 Q. Did any other room have carpet?	06:36:43	5 <b>A. Yes.</b>
06:34:25	6 <b>A. I think so.</b>	06:36:45	6 Q. Do you know if it had anything to do with
06:34:26	7 Q. Did every room have carpet?	06:36:56	7 prayer occurring in that room?
06:34:31	8 <b>A. No.</b>	06:36:58	8 <b>A. I don't know.</b>
06:34:32	9 Q. Do you know which rooms did?	06:36:59	9 Q. Did you ever see students praying in that
06:34:33	10 <b>A. Downstairs there were some carpet areas.</b>	06:37:04	10 room?
06:34:44	11 Q. Was there anything besides chairs in this	06:37:04	11 <b>A. No.</b>
06:34:47	12 room?	06:37:07	12 Q. So you saw adults praying in there?
06:34:47	13 <b>A. I don't think so.</b>	06:37:10	13 <b>A. Yes.</b>
06:34:48	14 Q. Do you know what this room was used for?	06:37:10	14 Q. You mentioned a carpeted area in the lower
06:34:51	15 <b>A. Boy Scouts meetings.</b>	06:37:20	15 level. Can you point out where that was?
06:34:53	16 Q. What else?	06:37:22	16 <b>A. The commons area.</b>
06:34:54	17 <b>A. I don't know.</b>	06:37:30	17 Q. Any other areas?
06:34:54	18 Q. How do you know people used it to pray?	06:37:31	18 <b>A. I think there was either a rug or some</b>
06:35:01	19 <b>A. Because sometimes I would walk past the</b>	06:37:41	19 <b>carpet in the instructional materials center.</b>
06:35:05	20 <b>room on my way to go home and I would see</b>	06:37:47	20 <b>It may have been a rug.</b>
06:35:09	21 <b>people praying.</b>	06:37:49	21 Q. Did you ever hear the commons area
06:35:09	22 Q. Did you ever see it being used for	06:37:53	22 referred to as a prayer area?
06:35:13	23 anything else?	06:37:55	23 <b>A. No.</b>
06:35:15	24 <b>A. I think I might have seen some teachers</b>	06:37:55	24 Q. Would it surprise you if someone had
06:35:26	25 <b>use it for small group work.</b>	06:37:58	25 referred to it that way?

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06:38:01	1 <b>A. Yeah.</b>	06:40:37	1 rug?
06:38:03	2 Q. Have you ever heard the term "masala"?	06:40:38	2 <b>A. I don't think so.</b>
06:38:05	3 <b>A. Yes.</b>	06:40:39	3 Q. What color was it?
06:38:06	4 Q. When have you heard that?	06:40:42	4 <b>A. I don't remember.</b>
06:38:07	5 <b>A. I've just known that term for quite</b>	06:40:45	5 Q. Was it a patterned rug?
06:38:13	6 <b>sometime.</b>	06:40:48	6 <b>A. I don't remember.</b>
06:38:14	7 Q. Did you ever hear it at TiZA?	06:40:53	7 Q. Did you ever see any tape on the rug?
06:38:16	8 <b>A. I don't remember.</b>	06:40:56	8 <b>A. I don't remember.</b>
06:38:20	9 Q. Do you know if any teachers ever referred	06:41:09	9 Q. You mentioned that you heard of other
06:38:27	10 to that rug as a masala?	06:41:11	10 students or that students had the option to
06:38:29	11 <b>A. Not that I can recall.</b>	06:41:14	11 pray other days?
06:38:33	12 Q. Do you know if anybody ever referred to it	06:41:15	12 <b>A. Uh-huh.</b>
06:38:36	13 as a masala?	06:41:16	13 Q. Do you know if before they prayed if they
06:38:37	14 <b>A. This commons area?</b>	06:41:19	14 performed a ritual washing?
06:38:40	15 Q. The rug in the commons area.	06:41:22	15 <b>A. I think so.</b>
06:38:42	16 <b>A. No.</b>	06:41:22	16 Q. Why do you think that?
06:38:43	17 Q. Did you ever see it being used for prayer?	06:41:24	17 <b>A. Because my classroom was right outside the</b>
06:38:50	18 <b>A. No.</b>	06:41:28	18 <b>bathrooms and I saw children washing.</b>
06:38:50	19 Q. What was it used for?	06:41:37	19 Q. How did you know this was for prayer?
06:38:52	20 <b>A. I used it as a reading space when my class</b>	06:41:41	20 <b>A. I had learned it.</b>
06:38:58	21 <b>got together with our reading buddies.</b>	06:41:44	21 Q. Can you tell me how you learned it?
06:39:01	22 Q. Anything else you used it for?	06:41:46	22 <b>A. In high school -- or not in high school.</b>
06:39:05	23 <b>A. I'm assuming small group work.</b>	06:41:48	23 <b>In college, I had taken different classes and I</b>
06:39:08	24 Q. Did you use it for anything else?	06:41:53	24 <b>had learned about different rituals and I had</b>
06:39:12	25 <b>A. I didn't. I was upstairs.</b>	06:42:01	25 <b>read different books.</b>
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06:39:16	1 Q. When you used it for reading did you wear	06:42:04	1 Q. What kind of ritual was it?
06:39:19	2 your shoes?	06:42:05	2 <b>A. A cleansing ritual.</b>
06:39:20	3 <b>A. No.</b>	06:42:07	3 Q. Is it based on any particular religion?
06:39:21	4 Q. Was there a rule against wearing shoes on	06:42:14	4 <b>A. Yes.</b>
06:39:25	5 the rug?	06:42:14	5 Q. What religion?
06:39:27	6 <b>A. I don't think there was a written rule.</b>	06:42:16	6 <b>A. Islam.</b>
06:39:30	7 <b>But to keep things clean, we did that.</b>	06:42:17	7 Q. How do you know that?
06:39:38	8 Q. How did you know not to wear your shoes?	06:42:18	8 <b>A. Because I've read about it in a book.</b>
06:39:43	9 <b>A. Once again, it had been demonstrated or I</b>	06:42:23	9 Q. Anyone at TiZA ever tell you about it?
06:39:50	10 <b>had seen others do it.</b>	06:42:26	10 <b>A. I probably asked and people probably did.</b>
06:39:52	11 Q. Did anybody tell you not to wear your	06:42:30	11 <b>I don't remember specifics.</b>
06:39:55	12 shoes on there?	06:42:34	12 Q. Who would you have asked about that?
06:39:56	13 <b>A. I don't think so.</b>	06:42:38	13 <b>A. Muslim coworkers.</b>
06:39:56	14 Q. Did students ever wear their shoes on that	06:42:46	14 Q. Do you remember ever asking them anything
06:40:02	15 rug?	06:42:49	15 about any kind of Muslim or Islamic ritual?
06:40:02	16 <b>A. Yes, sometimes.</b>	06:42:53	16 <b>A. We shared dialog about my religion and</b>
06:40:03	17 Q. Did they ever get in trouble for it?	06:42:57	17 <b>their religion, just casual conversation.</b>
06:40:06	18 <b>A. Just reminded.</b>	06:43:05	18 Q. At work you talked about this stuff?
06:40:08	19 Q. How would they be reminded?	06:43:07	19 <b>A. Not during work. After work.</b>
06:40:10	20 <b>A. Verbally.</b>	06:43:11	20 Q. What sort of things would you guys talk
06:40:13	21 Q. What were they told?	06:43:16	21 about?
06:40:14	22 <b>A. Oh. Remember, no shoes on the rug.</b>	06:43:16	22 <b>A. I would ask so why do you do this, what's</b>
06:40:19	23 Q. Were they ever given an explanation?	06:43:23	23 <b>the purpose behind this, trying to get</b>
06:40:25	24 <b>A. I don't know.</b>	06:43:26	24 <b>understanding.</b>
06:40:26	25 Q. Were there any kind of markings on that	06:43:28	25 Q. What sort of things would you ask about?

## **EXHIBIT 16**

to the Declaration of Shamus P. O'Meara

Clareen Menzies, 8/26/2010

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<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT 2 DISTRICT OF MINNESOTA 3 4 5 Court File No. 09-cv-00138 6 7 AMERICAN CIVIL LIBERTIES UNION OF 8 MINNESOTA, 9 Plaintiff, 10 vs. 11 TAREK IBN ZIYAD ACADEMY, et al., 12 Defendants. 13 14 15 16 DEPOSITION OF 17 CLAREEN MENZIES 18 Taken on Thursday, August 26, 2010 19 Scheduled for 9:00 a.m. 20 21 22 23 24 25 REPORTED BY: Dana S. Anderson-Linnell</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (continued): 2 3 On Behalf of Defendants Tarek Ibn Ziyad Academy, 4 Asad Zaman, Asif Rahman, Mahrous Kandil, Mona 5 Elnahrawy, Moira Fahey and Mohamed Farid: 6 Mark R. Azman, Esquire 7 JOHNSON &amp; CONDON 8 7401 Metro Boulevard, Suite 600 9 Minneapolis, MN 55439-3034 10 Phone: 952.831.6544 11 Email: mra@johnson-condon.com 12 13 14 On Behalf of Defendant Islamic Relief USA: 15 Timothy R. Obitts, Esquire 16 GAMMON &amp; GRANGE, P.C. 17 Seventh Floor 18 8280 Greensboro Drive 19 McLean, VA 22102 20 Phone: 703.761.5000 21 Email: tro@gg-law.com 22 23 24 (Appearances continued on the next page.) 25</p>
<p style="text-align: right;">Page 2</p> <p>1 DEPOSITION OF CLAREEN MENZIES taken on Thursday, 2 August 26, 2010, commencing at 8:56 a.m. at the 3 offices of Dorsey and Whitney, 50 South Sixth 4 Street, Suite 1500, Minneapolis, Minnesota before 5 Dana S. Anderson-Linnell, a Notary Public in and of 6 the State of Minnesota. 7 ***** 8 9 APPEARANCES 10 11 On Behalf of Plaintiff American Civil Liberties 12 Union of Minnesota: 13 Ivan M. Ludmer, Esquire 14 DORSEY &amp; WHITNEY 15 50 South Sixth Street, Suite 1500 16 Minneapolis, MN 55402 17 Phone: 612.492.6703 18 Email: ludmer.ivan@dorsey.com 19 20 21 (Appearances continued on the next page.) 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES (continued): 2 3 On Behalf of Defendant Commissioner of Education: 4 Kathryn Woodruff, Esquire 5 MINNESOTA ATTORNEY GENERAL'S OFFICE 6 445 Minnesota Street, Suite 900 7 St. Paul, MN 55101 8 Phone: 651.297.5934 9 Email: kathryn.woodruff@state.mn.us 10 11 12 ALSO PRESENT: Asad Zaman (partial day) 13 14 15 NOTE: The original transcript will be filed with 16 the Dorsey and Whitney Law Firm, pursuant to the 17 applicable Rules of Civil Procedure. 18 19 20 21 22 23 24 25</p>

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<p>1 <b>it's from me.</b></p> <p>2 Q. And the email address that it's to, that's</p> <p>3 TiZA_Board@yahooogroups.com?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. Do you remember that email address?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. What was that?</p> <p>8 <b>A. It was a group address so that I could</b></p> <p>9 <b>email all the board at the same time.</b></p> <p>10 Q. And what is this email?</p> <p>11 <b>A. Meeting minutes.</b></p> <p>12 Q. Of a meeting of what organization?</p> <p>13 <b>A. The board of directors of Tarek ibn Ziyad</b></p> <p>14 <b>Academy.</b></p> <p>15 Q. And what was your role on that board of</p> <p>16 directors?</p> <p>17 <b>A. I was a member.</b></p> <p>18 Q. Did you have any other role with the board</p> <p>19 of directors?</p> <p>20 <b>A. Secretary.</b></p> <p>21 Q. In this email you were distributing the</p> <p>22 minutes?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. This last line here, it says,</p> <p>25 "Inshah-Allah, we'll come together and do good</p>	<p>1 <b>A. The culture of Islam.</b></p> <p>2 Q. So this school was being run for the sake</p> <p>3 of Allah?</p> <p>4 <b>A. I'm not sure if I know what you mean.</b></p> <p>5 Q. You said earlier that you were coming</p> <p>6 together to do good work for the sake of Allah.</p> <p>7 And part of that is acting as the board of</p> <p>8 directors, right?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. And the work of the board of directors of</p> <p>11 TiZA is to run the school?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. And so you were running the school for the</p> <p>14 sake of Allah?</p> <p>15 <b>A. In part.</b></p> <p>16 Q. Who was Tarek ibn Ziyad?</p> <p>17 <b>A. He was a historical figure.</b></p> <p>18 Q. Do you know anything else about him?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. What else do you know about him?</p> <p>21 <b>A. He went from Spain -- went from Morocco</b></p> <p>22 <b>into Spain and created a civilization that was</b></p> <p>23 <b>welcoming and equal for the three major faiths</b></p> <p>24 <b>and flourished and excelled in science, math,</b></p> <p>25 <b>medicine, philosophy for many years.</b></p>
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<p>1 work, for the sake of Allah"?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. What good work were you referring to?</p> <p>4 <b>A. Putting together a school.</b></p> <p>5 Q. For the sake of Allah?</p> <p>6 <b>A. Everything we do is that. It's a cultural</b></p> <p>7 <b>norm.</b></p> <p>8 Q. And who is we?</p> <p>9 <b>A. The members of the board.</b></p> <p>10 Q. But you said everything we do is that. So</p> <p>11 everything the members of the board do is for</p> <p>12 the sake of Allah?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. Why is that?</p> <p>15 <b>A. It's a basis of a perspective of the</b></p> <p>16 <b>world.</b></p> <p>17 Q. What perspective is that?</p> <p>18 <b>A. That everything that you do you keep --</b></p> <p>19 <b>you have God in mind.</b></p> <p>20 Q. And that's a perspective held by Muslims?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. You said earlier -- you called it a</p> <p>23 cultural norm?</p> <p>24 <b>A. Uh-huh.</b></p> <p>25 Q. What culture?</p>	<p>1 Q. Did he go into Spain peacefully?</p> <p>2 MR. AZMAN: Object on foundation.</p> <p>3 THE WITNESS: I don't know.</p> <p>4 MR. AZMAN: You can answer.</p> <p>5 THE WITNESS: No.</p> <p>6 BY MR. LUDMER:</p> <p>7 Q. How did he enter Spain? Was he leading an</p> <p>8 army into Spain?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. To conquer it?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. Did he create a civilization out of</p> <p>13 nothing there or were people already living</p> <p>14 there?</p> <p>15 <b>A. They were already living there.</b></p> <p>16 Q. Do you know what religion Tarek ibn Ziyad</p> <p>17 was?</p> <p>18 <b>A. He was a Muslim.</b></p> <p>19 Q. Why was the school named after him?</p> <p>20 <b>A. Because he did great things.</b></p> <p>21 Q. What great things did he do?</p> <p>22 <b>A. He created and ran a civilization where</b></p> <p>23 <b>three religions lived peacefully.</b></p> <p>24 Q. Do you know how long he ran that</p> <p>25 civilization?</p>

## **EXHIBIT 17**

to the Declaration of Shamus P. O'Meara

**Ahmad El Bendary, 9/20/2010****Page: 1**

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<p>1 UNITED STATES DISTRICT COURT</p> <p>2 DISTRICT OF MINNESOTA</p> <p>3</p> <p>4</p> <p>5 Court File No. 09-cv-00138</p> <p>6</p> <p>7 AMERICAN CIVIL LIBERTIES UNION OF</p> <p>8 MINNESOTA,</p> <p>9 Plaintiff,</p> <p>10 vs.</p> <p>11 TAREK IBN ZIYAD ACADEMY, et al.,</p> <p>12 Defendants.</p> <p>13</p> <p>14</p> <p>15</p> <p>16 DEPOSITION OF</p> <p>17 DR. AHMAD EL BENDARY</p> <p>18 Taken on Monday, September 20, 2010</p> <p>19 Scheduled for 11:00 a.m.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 REPORTED BY: Dana S. Anderson-Linnell</p>	<p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Defendants Tarek Ibn Ziyad Academy,</p> <p>4 Asad Zaman, Asif Rahman, Mahrous Kandil, Mona</p> <p>5 Elnahrawy, Moira Fahey and Mohamed Farid:</p> <p>6 Mark R. Azman, Esquire</p> <p>7 Annie Mullin, Esquire (partial day)</p> <p>8 JOHNSON &amp; CONDON</p> <p>9 7401 Metro Boulevard, Suite 600</p> <p>10 Minneapolis, MN 55439-3034</p> <p>11 Phone: 952.831.6544</p> <p>12 Email: mra@johnson-condon.com</p> <p>13</p> <p>14</p> <p>15 On Behalf of Defendant Islamic Relief USA:</p> <p>16 Timothy R. Obitts, Esquire</p> <p>17 GAMMON &amp; GRANGE, P.C.</p> <p>18 Seventh Floor</p> <p>19 8280 Greensboro Drive</p> <p>20 McLean, VA 22102</p> <p>21 Phone: 703.761.5000</p> <p>22 Email: tro@gg-law.com</p> <p>23</p> <p>24 (Appearances continued on the next page.)</p> <p>25</p>
Page 2	Page 4
<p>1 DEPOSITION OF DR. AHMAD EL BENDARY taken on Monday,</p> <p>2 September 20, 2010, commencing at 11:06 a.m. at the</p> <p>3 offices of Dorsey and Whitney, 50 South Sixth</p> <p>4 Street, Suite 1500, Minneapolis, Minnesota before</p> <p>5 Dana S. Anderson-Linnell, a Notary Public in and of</p> <p>6 the State of Minnesota.</p> <p>7 *****</p> <p>8</p> <p>9 APPEARANCES</p> <p>10</p> <p>11 On Behalf of Plaintiff American Civil Liberties</p> <p>12 Union of Minnesota:</p> <p>13 Katie Pfeifer, Esquire</p> <p>14 Dustin Adams, Esquire (partial day)</p> <p>15 Mark Wagner, Esquire (partial day)</p> <p>16 DORSEY &amp; WHITNEY</p> <p>17 50 South Sixth Street, Suite 1500</p> <p>18 Minneapolis, MN 55402</p> <p>19 Phone: 612.340.2600</p> <p>20 Email: pfeifer.katie@dorsey.com</p> <p>21 adams.dustin@dorsey.com</p> <p>22 wagner.mark@dorsey.com</p> <p>23</p> <p>24 (Appearances continued on the next page.)</p> <p>25</p>	<p>1 APPEARANCES (continued):</p> <p>2</p> <p>3 On Behalf of Defendant Commissioner of Education:</p> <p>4 Kathryn Woodruff, Esquire</p> <p>5 MINNESOTA ATTORNEY GENERAL'S OFFICE</p> <p>6 445 Minnesota Street, Suite 900</p> <p>7 St. Paul, MN 55101</p> <p>8 Phone: 651.297.5934</p> <p>9 Email: kathryn.woodruff@state.mn.us</p> <p>10</p> <p>11</p> <p>12 On Behalf of Defendant Islamic Relief USA:</p> <p>13 Sarah E. Bushnell, Esquire</p> <p>14 KELLY &amp; BERENS, P.A.</p> <p>15 3720 IDS Center</p> <p>16 Minneapolis, MN 55402</p> <p>17 Phone: 612.349.6171</p> <p>18 Email: sbushnell@kellyandberens.com</p> <p>19</p> <p>20 ALSO PRESENT: Beverly Perez, Islamic Relief</p> <p>21 Asad Zaman</p> <p>22</p> <p>23 NOTE: The original transcript will be filed with</p> <p>24 the Dorsey and Whitney Law Firm, pursuant to the</p> <p>25 applicable Rules of Civil Procedure.</p>



Ahmad El Bendary, 9/20/2010

Page: 30

Page 117		Page 119	
02:30:13 1	<b>Ziyad Academy.</b>	02:32:17 1	<b>A. Yes.</b>
02:30:13 2	Q. Did you ever meet with Dr. Jennings?	02:32:17 2	Q. To your knowledge, Islamic Relief has
02:30:15 3	<b>A. I don't believe so.</b>	02:32:20 3	never tried to repudiate that contract?
02:30:16 4	Q. Did you ever talk with Dr. Jennings?	02:32:23 4	<b>A. To my knowledge, no.</b>
02:30:19 5	<b>A. No.</b>	02:32:25 5	Q. Could you look at Exhibit 66. Showing you
02:30:20 6	Q. Now, when you said you knew there was a	02:32:44 6	what was previously marked as Exhibit 66. This
02:30:23 7	qualified consultant reviewing the various	02:32:47 7	is -- the heading is contract -- sorry, Charter
02:30:25 8	things that you had said, how did you know	02:32:49 8	School Contract Between the Islamic Relief
02:30:28 9	that?	02:32:51 9	(Sponsor) and Tarek ibn Ziyad Academy (Charter
02:30:28 10	<b>A. Through my conversation with Asad and</b>	02:32:55 10	School).
02:30:30 11	<b>Hesham.</b>	02:32:55 11	Have you seen this contract before?
02:30:30 12	Q. And when was that conversation?	02:32:58 12	<b>A. (Reviews document.)</b>
02:30:33 13	<b>A. Multiple, many of times.</b>	02:33:04 13	<b>Q. And just for the record, this is the one</b>
02:30:36 14	Q. Now, you said you didn't -- you don't	02:33:06 14	<b>dated February 10th, 2003.</b>
02:30:41 15	recall if you knew about Dr. Jennings at this	02:33:19 15	<b>A. I do remember discussing the majority of</b>
02:30:43 16	point I think is what you said?	02:35:09 16	<b>the items.</b>
02:30:44 17	<b>A. No.</b>	02:35:09 17	Q. You do remember discussing the majority of
02:30:45 18	Q. Do you know how long after you agreed to	02:35:13 18	the items?
02:30:49 19	be the sponsor that you heard from Asad and	02:35:13 19	<b>A. Yeah.</b>
02:30:52 20	Hesham about Dr. Jennings?	02:35:14 20	Q. With?
02:30:55 21	<b>A. We talked a lot, but not -- might not be</b>	02:35:15 21	<b>A. With Asad and basically with Hesham.</b>
02:30:59 22	<b>Dr. Jennings.</b>	02:35:23 22	Q. And do you see that this contract is
02:31:00 23	Q. How often did you talk with Asad and	02:35:25 23	signed by -- at least purporting to be signed
02:31:03 24	Hesham?	02:35:28 24	by Sayed Akhtar?
02:31:04 25	<b>A. Maybe once every other month.</b>	02:35:30 25	<b>A. Yeah.</b>
Page 118		Page 120	
02:31:06 1	Q. About TiZA?	02:35:30 1	Q. Do you know having worked with Mr. Akhtar
02:31:08 2	<b>A. Multiple subjects if TiZA came up in the</b>	02:35:33 2	if that's his signature?
02:31:13 3	<b>conversation.</b>	02:35:34 3	<b>A. No.</b>
02:31:14 4	Q. Would Asad and Hesham always be on the	02:35:35 4	Q. You don't know one way or the other?
02:31:17 5	call together?	02:35:36 5	<b>A. No, I actually -- I haven't had a</b>
02:31:18 6	<b>A. No.</b>	02:35:38 6	<b>conversation with Mr. Akhtar for four years.</b>
02:31:18 7	Q. So you could talk with one or the --	02:35:46 7	Q. You have no reason sitting here to doubt
02:31:21 8	<b>A. To Hesham or Asad, yeah.</b>	02:35:48 8	that that's his signature?
02:31:23 9	Q. Okay. Did you ever see a contract between	02:35:50 9	<b>A. No.</b>
02:31:38 10	TiZA -- sorry, between Islamic Relief and	02:35:50 10	Q. Did Mr. Akhtar have the authority to sign
02:31:41 11	Dr. Jennings?	02:35:54 11	this contract on Islamic Relief's behalf?
02:31:43 12	<b>A. Not at the time.</b>	02:35:56 12	<b>A. No. I didn't give him the authority in a</b>
02:31:47 13	Q. Not at the time? You've seen it in	02:36:06 13	<b>direct or indirect way.</b>
02:31:50 14	connection with this litigation?	02:36:07 14	Q. Well, you knew you had to sign a contract
02:31:52 15	<b>A. Yeah, a few days ago.</b>	02:36:11 15	with --
02:31:54 16	Q. Did Sayed Akhtar in your mind have	02:36:12 16	<b>A. Yeah, but I didn't.</b>
02:31:56 17	authority to sign contracts on behalf of	02:36:14 17	Q. Let me finish. You knew you had to sign a
02:31:59 18	Islamic Relief?	02:36:15 18	contract with TiZA, correct?
02:31:59 19	<b>A. I didn't give him this authority. But if</b>	02:36:16 19	<b>A. Yes.</b>
02:32:05 20	<b>he assumed that, that's a different story.</b>	02:36:17 20	Q. You never signed it?
02:32:08 21	Q. Do you agree that there was a contract in	02:36:18 21	<b>A. No.</b>
02:32:11 22	place between TiZA and Islamic Relief regarding	02:36:18 22	Q. Did you think somebody else had signed it?
02:32:13 23	the sponsorship?	02:36:21 23	<b>A. If it didn't come to me, that means it</b>
02:32:14 24	<b>A. Yes.</b>	02:36:26 24	<b>wasn't required.</b>
02:32:14 25	Q. And you agree that contract is binding?	02:36:27 25	Q. But in this case you knew it was required?

## **EXHIBIT 18**

to the Declaration of Shamus P. O'Meara

JUL 29 2009 2:31PM

P. 1

COPY

**GAMMON & GRANGE, P.C.**

ATTORNEYS AND COUNSELORS AT LAW

ROBERT B. ADAMS†  
MAE CHEUNG  
A. WRAY FITCH III  
JAMES A. GAMMON\*†  
GEORGE R. GRANGE II  
STEPHEN S. KAO  
STEPHEN H. KING  
NANCY OLIVER LESOURD  
KENNETH E. LIU  
TIMOTHY R. OBITTS  
W. FRANKLIN PUGH, P.L.C.‡  
DAWN W. SIKORSKI  
DANIEL D. SMITH, P.C.‡  
SCOTT J. WARD

SEVENTH FLOOR  
8280 GREENSBORO DRIVE  
McLEAN, VA 22102-3807

TELEPHONE (703) 761-5000  
FACSIMILE (703) 761-5023

WEBSITE  
www.GG-LAW.com

EMAIL  
GG@GG-LAW.COM

LEESBURG OFFICE  
SUITE 345  
161 FORT EVANS ROAD  
LEESBURG, VA 20176

\* NOT ADMITTED IN VIRGINIA  
† OF COUNSEL - McLEAN  
‡ OF COUNSEL - LEESBURG

July 29, 2009

--VIA FACSIMILE ONLY--  
(612) 341-1076

Erick Kaardal, Esq.  
4100 Multifoods Tower  
33 S. 6th St.  
Minneapolis, MN 55402

Re: MnACLU v. TIZA, et al.  
Request for Indemnification and Hold Harmless

Dear Erick:

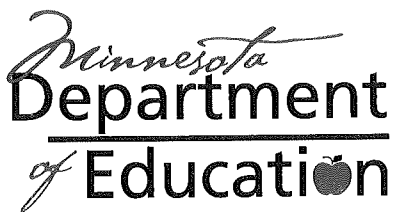
Pursuant to Section 5.4 of the Charter School Contract, dated June 16, 2006 ("Contract"), on behalf of Islamic Relief (US) ("IRUS"), I write to assert IRUS's right to seek indemnification from Tarek Ibn Ziyad Academy (TIZA) for its defense of the lawsuit and to hold it harmless. As the lawsuit by ACLU of MN, as against ACLU, is based upon the Contract, TIZA is obligated to indemnify and hold IRUS harmless from such claims. As such, I respectfully request that TIZA immediately notify its insurance carrier of IRUS' claims against TIZA. IRUS will file a Cross-Claim for indemnification and for TIZA to hold it harmless, based upon the Contract.

With kindest regards,

  
Timothy R. Obitts, Esq.

## **EXHIBIT 19**

to the Declaration of Shamus P. O'Meara



July 30, 2009

Sent By E-Mail and U.S. Mail

Erick G. Kaardal, Esq.  
Mohrman & Kaardal, P.A.  
33 South Sixth Street  
Suite 4100  
Minneapolis, MN 55402

Re: Notice of Preservation of Rights

Dear Mr. Kaardal:

By this letter, I am notifying Tarek ibn Ziyad Academy ("TiZA") that I seek to preserve my rights, if any, as well as the rights of my officers, agents and employees of the state of Minnesota, for indemnification under section 5.4 of the Charter School Contract (effective July 1, 2006) between Islamic Relief and TiZA.

Please notify your insurance company accordingly.

Sincerely,

A handwritten signature in cursive script that reads "Alice Seagren".

Alice Seagren  
Commissioner

C: Kathryn Woodruff, Esq.

## **EXHIBIT 20**

to the Declaration of Shamus P. O'Meara

**KELLY & BERENS, P.A.**

ATTORNEYS AT LAW  
3720 IDS CENTER  
80 SOUTH EIGHTH STREET  
MINNEAPOLIS, MINNESOTA 55402

SARAH E. BUSHNELL  
sbushnell@kellyandberens.com

October 12, 2010

(612) 349-6171

Fax  
(612) 349-6416

**Via Email and U.S. Mail**

Shamus P. O'Meara, Esq.  
Mark R. Azman, Esq.  
Johnson & Condon, P.A.  
7401 Metro Boulevard  
Suite 600  
Minneapolis, MN 55439-3034

Re: American Civil Liberties Union of Minnesota v. Tarek ibn Ziyad Academy, et al.  
Court File No. 09-cv-00138 (DWF/JJG)

Dear Shamus and Mark:

I write to follow up on Mr. Zaman's testimony delivered yesterday that, contrary to TIZA's earlier position that it has no duty to indemnify IRUSA, TIZA is now prepared to defend IRUSA. This is a move in the right direction and we appreciate this testimony.

Nevertheless, I understand that Mr. Zaman testified that he contemplated that your office would handle IRUSA's defense as well as the ongoing defense of the TIZA defendants. As I imagine you agree, the evidence has developed such that it would be ethically impossible for Johnson and Condon to zealously advocate for both TIZA and IRUSA. By this letter, I request your prompt clarification concerning the arrangement TIZA proposes to defend IRUSA going forward whether by paying the attorneys' fees and expenses of IRUSA's currently retained counsel or by hiring new, independent counsel. Please also clarify whether TIZA now admits its obligation to indemnify IRUSA against any judgment that may be entered against it in the referenced action. IRUSA, of course, reserves the right to pursue reimbursement for the fees and expenses it (and its insurer) have incurred since TIZA's rejection of IRUSA's tender of defense in July 2009.

This letter also confirms the request in Tim's voicemail to you of earlier today. We obviously need to promptly disclose Mr. Zaman's testimony concerning TIZA's new view of the indemnification to IRUSA's insurer. Please respond by close of business today with a written release of the confidentiality designation as to that portion of Mr. Zaman's testimony, at least permitting disclosure to IRUSA's insurer.

**KELLY & BERENS, P.A.**

ATTORNEYS AT LAW

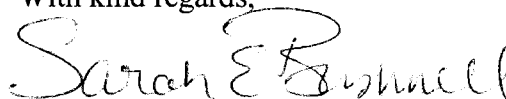
Shamus P. O'Meara, Esq.

Mark R. Azman, Esq.

October 12, 2010

Page 2

With kind regards,

A handwritten signature in cursive script, reading "Sarah E. Bushnell". The signature is written in black ink and is positioned below the text "With kind regards,".

Sarah E. Bushnell

cc: Timothy R. Obitts, Esq.  
Scott J. Ward, Esq.




## **EXHIBIT 21**

to the Declaration of Shamus P. O'Meara

Errata Sheet For The Deposition Of:  
**Asad Zaman, Volume 1, 08/24/2010**  
 Case Name: *ACLU of Minnesota vs. Tarek Ibn Ziyad Academy, et al.*

Page	Line	Correction	Reason For Change
19	3	Change "to" to "two"	Correction
33	6	Change "their" to "the"	Correction
64	6	Add "I have an associate degree from Minneapolis Community College." at the beginning of the sentence	Clarification
69	22-23	Delete "Rochester Science, Technology, Engineering and Math Academy."	Clarification
247	1	Change "born" to "borne"	Correction

  
 Witness Signature


11/24/2010  
 Date

Please return this sheet to:  
**Paradigm Reporting & Captioning**  
 1400 Rand Tower, 527 Marquette Ave. S., Minneapolis, MN 55402-1331

MSG, 08/31/2010  
**51735**  
 Reporter: Dana S. Anderson-Linnell

Errata Sheet For The Deposition Of:  
**Asad Zaman, Volume 2, 08/25/2010**  
 Case Name: *ACLU of Minnesota vs. Tarek Ibn Ziyad Academy, et al.*

Page	Line	Correction	Reason For Change
309	4	Change "advise" to "advice"	Correction
315	6	Change "in directly" to "indirectly"	Correction
315	22	Change "lease" to "leases"	Correction
357	12	Change "romanette" to "roman numeral"	Correction
512	1	Change "date" to "department"	Correction
516	8	Change "one in the same" to "one and the same"	Correction
551	19	Change "concern" to "certain"	Correction
553	25	Add "specifically" after the words "refers to Muslims"	Clarification

  
 Witness Signature


11/24/2010  
 Date

Please return this sheet to:  
**Paradigm Reporting & Captioning**  
 1400 Rand Tower, 527 Marquette Ave. S., Minneapolis, MN 55402-1331

MSG, 08/31/2010  
**51736**  
 Reporter: Dana S. Anderson-Linnell

Errata Sheet For The Deposition Of:  
**Asad Zaman (Volume 3) 30(b)(6) and individual, 10/11/2010**  
Case Name: *ACLU of Minnesota vs. Tarek Ibn Ziyad Academy, et al.*

Page	Line	Correction	Reason For Change
586	19	Change "variance" to "variation"	Correction
676	8	Change "west" to "best"	Correction
680	24	Change "reportedly" to "purportedly"	Correction
781	25	Change "isla naraj" to "Isra wal Meraaj"	Correction
801	24	Change "Tariq" to "Tar Ek"	Correction
820	19	Add "subject to TiZA board approval. This is my personal opinion and not TiZA's position which would have to be approved by the TiZA board. I am not a lawyer and I understand that this issue is the subject of motions before the court in this case." at the end of the sentence	Clarification
821	9	Add "subject to TiZA board approval. This is my personal opinion and not TiZA's position which would have to be approved by the TiZA board. I am not a lawyer and I understand that this issue is the subject of motions before the court in this case." at the end of the sentence	Clarification
821	12	Add "subject to TiZA board approval This is my personal opinion and not TiZA's position which would have to be approved by the TiZA board. I am not a lawyer and I understand that this issue is the subject of motions before the court in this case." at the end of the sentence	Clarification
840	22	Change "J R" to "Andrea"	Correction
864	5	Change "EYP" to "AYP"	Correction
871	8	Change "by" to "from"	Correction
871	9	Change "Department" to "MN Department of Education"	Clarification
883	15	Change "positive" to "puzzled"	Correction

  
Witness Signature

11/24/2010  
Date

Please return this sheet to:  
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MSG, 10/26/2010  
**53646**  
Reporter: Dana S. Anderson-Linnell

## **EXHIBIT 22**

to the Declaration of Shamus P. O'Meara



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 Address: 1821 University Ave #N-392  
 St Paul, MN, 55104

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