

David P. Griffin	§	IN THE DISTRICT COURT
Plaintiff,	§	
	§	
Vs.	§	
	§	
CITY OF AUSTIN, RONDELLA	§	
HAWKINS, individually and as an	§	126 Th JUDICIAL DISTRICT
employee of the City of Austin, PUBLIC	§	
ACCESS COMMUNITY TELEVISION aka	§	
CHANNEL AUSTIN, GARRY WILKISON	§	
and LINDA LITOWSKY, individually, and as	§	
Executives of Public Access Community	§	
Television, CATHY BEAUDOIN, JACKIE	§	
GOODMAN, CELIA HUGHES, EMANUEL,	§	
LIMEL PALOMU, DANIEL SCARDINO,	§	
DEBORAH L. HILL, TRENA DENLEY,	§	
HELENE CAUDILL, individually and as Board	§	
Members of Public Access Community	§	TRAVIS COUNTY, TEXAS
Television	§	
	§	
Defendants.	§	

PLAINTIFF’S REQUESTS FOR ADMISSION, INTERROGATORIES AND REQUESTS FOR PRODUCTION TO LINDA LITOWSKY

To Defendants LINDA LITOWSKY (“LINDA”), individually and as an executive and Chief Executive Officer of PACT is directly responsible for the day-to-day activities of PACT’s operations and resides at 105 Lake Hills Drive North Austin, Texas 78733-3109 USA.

COMES NOW, David P. Griffin, Plaintiff in the above-styled and numbered cause, and pursuant to Texas Rules of Civil Procedure **RULE 198 REQUEST FOR ADMISSIONS, Rule 197.1. INTERROGATORIES** and **RULE 196 REQUEST FOR PRODUCTION** of the Texas Rules of Civil Procedure, requests that Defendants disclose, within 30 days of service of this request, the information or materials described in Rule 194.2 (a)-(l) and reasonably supplement the responses as specified in Rule 193.5 of the Texas Rules of Civil Procedure

I. Pursuant to Texas Rule of Civil Procedure 198, Plaintiffs request that Defendants admit or deny the following:

REQUEST FOR ADMISSION NO. 1: Admit or deny that on March 25, 2008, Defendants LINDA and GARRY met with Plaintiff as part of an annual employee review and reported a negative review as to Plaintiff’s performance.

- a. Admit or deny that Plaintiff refused to sign the evaluation denying the allegations made by management as being false and misleading statements.

- b. Admit or deny that Defendants LINDA and GARRY intimidated Plaintiff threatening loss of his job if he refused to sign said evaluation.

REQUEST FOR ADMISSION NO. 2. Admit or deny that during the staff meeting on March 25, 2008, Defendant LINDA made several public and private statements “to get rid of the old boys,” and made reference to the institution of a new hiring policy wherein only younger staff (16-25) who arrive as interns would be phased-in as full-time employees, “fire the Old White Guy” (Bob Bartlett) and not to hire any more older white men.

REQUEST FOR ADMISSION NO. 3. Admit or deny that a few short weeks following the staff meeting on March 25, 2008, Defendant LINDA instructed Plaintiff to irradically changed Bob Bartlett’s schedule on a regular basis and then require him to take more job training in the hopes that Bob would become frustrated and quit.

REQUEST FOR ADMISSION NO. 4. Admit or deny that Defendant LINDA instructed Plaintiff to document every incident that could be used to deny Bob Bartlett his unemployment benefits.

REQUEST FOR ADMISSION NO. 5. Admit or deny that on or about June of 2008, Defendant LINDA instructed Plaintiff to terminate Bob Bartlett’s employment with PACT and that in defense of such instruction, Defendant LINDA made many slanderious and derogatory remarks about Bob Bartlett regarding his abilities to perform his job.

REQUEST FOR ADMISSION NO. 6: Admit or deny that on or about January 1, 2008, Plaintiff went to Garry inquiring about two missing AVID Donegals.

REQUEST FOR ADMISSION NO. 7: Admit or deny that in response to Plaintiff’s inquiry, Garry advised Plaintiff that one of the missing AVID Donegals had been lost by LINDA and that Linda had sold the other one to a Board Member, Cathy Beaudon.

REQUEST FOR ADMISSION NO. 10. Admit or deny that as of June 2008, Plaintiff has been denied access to the privileges associated with being a producer at PACT.

REQUEST FOR ADMISSION NO.11: Admit or deny that under your direction, Plaintiff was denied privileges associated with being a producer at PACT giving the reason that Plaintiff had an ongoing lawsuit against Defendants here in the Federal Court.

REQUEST FOR ADMISSION NO. 12: Admit or deny that at the request of Plaintiff, Federal

District Court Judge Yakel on June 05, 2009 entered a final order of dismissal of both the State and Federal actions involving Plaintiff and Defendants herein.

REQUEST FOR ADMISSION NO.13: Admit or deny that Defendants and each of them received a copy of the final order of Federal District Court Judge Yakel.

REQUEST FOR ADMISSION NO.14: Admit or deny that on or about June 12, 2009, Plaintiff was again denied access to the privileges associated with being a producer at PACT despite the fact that the pending lawsuit had been dismissed and the fact that PACT employees were advised not to accept from Plaintiff dues associated with being a producer at PACT

REQUEST FOR ADMISSION NO. 15: Admit or deny that you instructed your representatives and or third parties to interfere with Plaintiff's internet provider by sending correspondence to Hostia requesting that Plaintiff's account was denied public access (blocked from view).

REQUEST FOR ADMISSION NO. 16: Admit or deny that the board adhered to the policies set forth in the PACT employee handbook.

REQUEST FOR ADMISSION NO. 17: Admit or deny that the board of directors was aware of Plaintiff's alligations against management the day of discharge.

REQUEST FOR ADMISSION NO. 18. Admit or deny that on the day of Plaintiff's release from employment with PACT. Plaintiff requested a meeting with the board and Garry responded "No Way".

REQUEST FOR ADMISSION NO. 19. Admit or deny that PACT has withheld services to producers so that PACT equipment was available for work to hire projects.

REQUEST FOR ADMISSION NO. 20. Admit or deny the equipment used for work to hire was purchased for PACT Producers to use and not for PACT to generate income.

REQUEST FOR ADMISSION NO. 21. Admit or deny the salary for management is approximately one third of PACT's budget.

REQUEST FOR ADMISSION NO. 22. Admit or deny that your partner Garry W. did design the Austin Independent School District's television facility for **OSCAR PALOMO** a Board Member operates during PACT business hours.

REQUEST FOR ADMISSION NO. 23. Admit or deny that PACT applies for and gets grant funding from City, State, and Federal Governments as well as private resources; and has partnered with other non-profits and individuals to obtain said funds.

II. INTERROGATORIES

A party may propound interrogatories at any point up to thirty (30) days before the end of the discovery period. [Tex. R. Civ. P. 197.1](#).

INSTRUCTIONS

(A. These interrogatories are to be answered by you to the extent of all information which is or may be available to you, or to any person, employee, agent, engineer, expert, accountant, or attorney who has acted or is now acting on your behalf, and not merely information within your personal knowledge.

B. If, after a reasonable and thorough investigation using due diligence, you are unable to answer any interrogatory or any part thereof, on the ground of lack of information available to you, specify in full and complete detail why the information is not available to you and what has been done to locate such information. In addition, specify what knowledge or belief you do have concerning the unanswered portion of any interrogatory and set forth the facts upon which such knowledge or belief is based. If, in answering any interrogatories concerning or calling for information about other parties, you are unable to answer with respect to all or every party, set forth the required information about which you have any knowledge.

C. Where an interrogatory does not specifically request a particular fact, but where such fact or facts are necessary to make the answer to said interrogatory either comprehensible, complete or not misleading, you should include such fact or facts as part of said answer and said interrogatory shall be deemed specifically to request such fact or facts.

D. These interrogatories are to be regarded as continuing, and you are requested to provide, by way of supplementary answers thereto, such additional information as you may hereafter obtain which will augment or otherwise modify your answers now given to the interrogatories below as soon as you know or have reason to know that any such answer was incorrect when made or that an answer, though correct when made, is no longer completely true, or requires augmentation or modification.

E. "Person" is defined to include a natural person, partnership, joint venture, corporation, association, trust or any other kind of entity.

F. "Representative" is defined to include a person, agent, employee, officer, attorney, accountant, consultant, servant, and all other capacities where one may perform services for or act on behalf of, or for the benefit of, another either directly or indirectly.

G. "Tangible Things" as used herein is defined as documents, records, books, papers, contracts, memoranda, invoices, correspondence, notes, photographs, drawings, recording tapes, recording discs, or any other mechanical or electronic information storage or recording elements and all other things, which are tangible. If a tangible thing has been prepared in several copies or additional copies have been made that are not identical (or are no longer identical by reason of subsequent notation or other modification of any kind whatever, including, without limitation, notes or modifications on the backs of pages thereof, or on copies thereof), each nonidentical

copy is a separate "tangible thing."

H. "Evidence" or "evidencing" as used herein is defined as including, referring, or relating in any way to, being evidence of, or memorializing, all or any portion of facts or contentions specified in these interrogatories.

I. Where an interrogatory asks that you describe tangible things, it shall be deemed a sufficient answer wherever appropriate and possible to furnish true and legible copies thereof, together with your answers to these interrogatories.

J. Where an interrogatory asks that you describe all tangible things, then you should state with particularity the date, author, description, addressee, nature, custody, condition and location of any and all tangible things which evidence all or any part of the contentions or facts specified in the interrogatories.

K. Where an interrogatory asks that you describe all oral communications, then you should state whether any oral communication evidences all or any portion of the contentions or facts specified in these interrogatories, and if so, with respect to each such oral communication, the date and place thereof, whether said communication was in person or by telephone, the name, employer, title, occupation, present or last known home and business address and telephone number of each person who participated in or heard any part of said communication, and the substance of what was said by each person who participated in said communication.

L. Where an interrogatory asks you to describe all witnesses or to describe a person, state the name, employer, title, occupation, present or last known home and business address and telephone number of each and every person (other than expert witnesses) whose identity is sought by, or who has or may have knowledge of any of the events, things, or facts specified in these interrogatories.

M. Where an interrogatory asks you to describe all expert witnesses, state the name, employer, title, occupation, present or last known home and business address and telephone number of each and every expert witness whom you intend or expect to call to testify as to any of the contentions or facts specified in these interrogatories; and for, each such expert witness, state his or her qualifications and the subject matter on which the expert is expected to testify, the substance of the facts and opinions concerning which he or she is expected to testify and the grounds for each opinion.

N. If you claim any form of privilege, whether based on a statute or otherwise, as a ground for not answering an interrogatory or any portion thereof, or for not voluntarily producing any tangible thing, set forth in your answers with respect to each such oral conversation or tangible thing for which you claim such a privilege the following:

(a) The date thereof;

(b) The name, address, title and occupation of each of the participants in the oral conversation or each of the authors and addresses of each tangible thing;

(c) The name, title, and address of the present custodian of each tangible thing;

(d) A description of each such oral conversation or tangible thing (by subject matter or title) which is sufficient to identify the particular conversation or tangible thing without revealing the information for which a privilege is claimed; and

e) Each and every fact or basis on which you claim any such privilege. O. For the purposes of these interrogatories, wherever necessary to ensure completeness or accuracy, words importing them singular number include, the plural and words importing the plural number include the

singular, and words importing the masculine include the feminine.

P. "YOU" as used in these interrogatories means plaintiff ARCHIE D. DARROCH, SR., including all of your present and former attorneys, agents, servants, representatives, employees, and consultants, both present and past.

INTERROGATORY NO. 1: if your response to request for admission no. 1 was affirmative, please describe in details the events surrounding said annual review as it compared to previous evaluations regarding Plaintiff's employment.

ANSWER:

INTERROGATORY NO. 2: Was Bob Bartley an employee at PACT?

- a. If so, what was his position at PACT?
- b. At any time during Bob Bartley's employment, did you instruct Plaintiff to radically and irradically change Mr. Bartley's work schedule?

If your response to (b) is in the affirmative, what was your reasoning for doing so?

ANSWER:

INTERROGATORY NO. 3: Was David Fitzpatrick an employee at PACT?

If your response to this question is affirmative, please state there following:

- a. Was David Fitzpatrick a full or part time employee?
- b. How long was Mr. Fitzpatrick employed at PACT?
- c. Did any issues arise during Mr. Fitzpatrick's employment where he complained of not being timely paid and/or errors on his pay?

ANSWER:

INTERROGATORY NO. 4: On or about June 23, 2008, are you aware of an incident in which a large sum of cash money was left in a drawer at PACT in a space that was under the control of employee David Fitzpatrick? If so, please state:

- a. Your knowledge of said events.
- b. Were there any further discussions between you and David Fitzpatrick regarding this issue or any other employee misconduct issues?

Please state all conversations you had with David Fitzpatrick wherein you advised Mr. Fitzpatrick that Plaintiff was the reason for the failure of Mr. Fitzpatrick to be paid on a timely basis.

ANSWER:

INTERROGATORY NO. 5: Are you familiar with a PACT Producer Mary Alshire?

If so, please state:

- a. Did you receive complaints regarding Mrs. Alshire's conduct and treatment of staff at PACT? If so, please explain.
- b. Do you know of any employees who resigned their position at PACT resulting from confrontations between staff and Mrs. Alshire?

ANSWER:

INTERROGATORY NO. 6: Does PACT offer editing equipment to be used by staff and the public? If so, please state:

- a. What type of editing software is available at PACT?
- b. What is the industry standard of editing software used by film editors?
- c. What is the most popular editing software used by the public at PACT?
- d. If Final Cut Pro is the norm of used by PACT producers, why and for whose use at PACT were the AVID equipment and software purchased?
- e. Is PACT a video production or is it film Production Company.

ANSWER:

INTERROGATORY NO. 7: On or about June 11, 2008, do you recall an incident in which Plaintiff entered your office to complain that Defendant GARRY was misadvising staff that Plaintiff was not completing his job assignments? If so, please state:

- a. Please explain in detail the events of that meeting.
- b. At this meeting, did you complain to Plaintiff about his body odor and hygiene?

8: Could you please explain work for hire polices?

- a. Please explain who's equipment is used for a work to hire project
- b. Please explain who gains from this program?
- c. Does this activity sometimes deny producers access to the PACT equipment?

9. Did you have any knowledge that Garry W. was falsifying records to the City of Austin, to have his personal equipment repaired at the City's expense; by claiming this equipment (Panasonic VCR serial number F9TDA was property of the City, on June 3rd, 2008?

Enter the documents known as PACT estimate 3rd, June, 2008 for the sum of \$ 1,150.00.

- a. Are you aware of this practice?
- b. What is the physical location of this equipment now?
- c. Do PACT producers use this equipment?
- d. Is there any personal equipment that was housed in Garry's office? (AVID IBM system) that PACT staff worked on repaired and purchased parts for with PACT money?

10. Are you aware of a recorded conversation between yourself, Garry W., Rondella Hawkins, and Terry Dyke; in this conversation Plaintiff's open records request to the City was discussed. This conversation was recorded and played back to the Plaintiff in Stefan Rayes office and could you please explain this or any other conversation you had with the City in regard to the Plaintiff's open records request.

a. Did the City apply any pressure on you to remove the Plaintiff from PACT?

11. If your answer to 10 was in the informative please explain all the different grants and programs that PACT was involved in from January 1, 2006 to present.

a. Who is

b. Please explain the arrangement between you and Pam Thompson

c. Please explain the arrangement between the Flamingo Bar Grill and PACT.

III, REQUESTS FOR PRODUCTION

Pursuant to Texas Rule of Civil Procedure 196, plaintiffs request that, within thirty days (30) of the service of this document, defendants produce for inspection and copying all records showing, indicating, or tending to show or indicate that the plaintiffs

I. DEFINITIONS

(1) The words: "and," "or," "each," "every," "any," "all," "refer," "discuss" shall be construed in their broadest form and the singular shall include the plural and the plural shall include the singular whenever necessary so as to bring within the scope of these Requests all Documents (defined below) that might otherwise be construed to be outside their scope.

(2) "Defendant," includes the entity responding to these requests and any related entity (whether by common ownership, operation, or control).

(3) "Document" means those documents as identified and/or defined and required to be produced in accordance with Rule 34 of the Federal Rules of Civil Procedure. All non-identical copies, including drafts, of the same Document are Documents within the meaning of that term and must be produced as well.

(4) "Include" or "including" means including, but not limited to.

(5) "Person" or "Individual" means natural persons, sole proprietorships, corporations, firms, partnerships, unincorporated associations, trusts and any other legal entity.

II. GENERAL PROCEDURES

1. Produce all Documents described below, including Documents that are in the possession, custody or control of the Defendants, its directors, consultants, contractors, insurance companies, officers, employees, attorneys, accountants, or agents, or other Persons that are otherwise subject to your custody or control. All Documents that respond, in whole or in part, to any portion of these Requests must be produced in their entirety, including all attachments and enclosures.

Documents shall be produced in compliance with Rule 34 of the Federal Rules of Civil Procedure and the November 5, 1996, Case Management Order and all other orders of the Court.

2. If you contend that any Document responsive to these Requests is privileged or otherwise protected from production, in whole or in part, or if you otherwise object to any of these Requests, you are required by Local Court Rules of the United States District Court for the Eastern District of Texas and the Civil Justice Expense and Delay Reduction Plan for the Eastern District of Texas, Article Two (1)(a)(v), to provide a privilege log. The privilege log is required to (1) identify the documents or information claimed to be privileged, (2) detail the basis for the privilege in a manner that will enable other parties to assess the applicability of the asserted privilege or protection. This log should include author, date, intended and other recipients, the subject matter and detailed information so that Plaintiff may determine whether the privilege is applicable.

3. For purposes of these requests, the words utilized are considered to have, and should be understood to have, their ordinary, every day meaning. Plaintiff refers Defendants to any collegiate dictionary such as Webster's New World Dictionary, Second College Edition by Prentice Hall Press, in the event Defendants assert that the wording of a request is vague, ambiguous, unintelligible, confusing.

III. REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1. Please produce a copy of every annual review of Plaintiff's employment from the date of his employment to the date of his termination.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Please produce copies of Bob Bartlett's work schedule from his initial hire as an employee at PACT until his termination. As well as any evaluations, memos, emails concerning Bob, and his employment or termination at PACT.

RESPONSE:

REQUEST FOR PRODUCTION NO 3. Please produce copies of all documents concerning David Fitzpatrick's payment errors.

REQUEST FOR PRODUCTION NO. 4: Please produce all equipment repair receipts including Panasonic VCR serial # F9TDA009 dated 3rd, June 2008 and/or a logbook of repairs made from.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5 Please produce a copy of any receipt or documentation of any form that identifies the sale of equipment owned and sold by the City of Austin by its management PACT to third parties.

RESPONSE:

REQUEST FOR PRODUCTION NO 6. Please furnish all contracts for work to hire from Jan. 2, 2006 to present.

Please furnish all grants that PACT has been involved in.

Please furnish all records showing AVID video equipment being used by PACT producers.

- a. Show usage of staff and managers.
- b. Show usage for work to hire projects.
- c. Show usage for Grants.

REQUEST FOR PRODUCTION NO 7. Please furnish any receipts for software purchased for the Plaintiff due to his condition of dyslexia (i.e. Mac Speaks software).

REQUEST FOR PRODUCTION NO 8. Please produce sale receipts for the Plaintiff's purchases made at PACT on June 18, 2008 at 3:28 pm, receipt number 6180.