

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the foregoing on all parties, or their attorneys of record, in compliance with the Texas Rules of Civil Procedure, this 16th day of September, 2009.

Via CM/RRR # 91 7108 2133 3936 5761 7855
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ROBIN SANDERS

DEFENDANT CITY OF AUSTIN'S RESPONSES
TO PLAINTIFF'S REQUEST FOR DISCLOSURES

REQUEST 194.2(a): The correct name(s) of the parties to the lawsuit.

RESPONSE:

Defendant City and Rondella Hawkins are correctly named. Defendant City has no reason to believe that the other parties are incorrectly named.

REQUEST 194.2(b): The name, address, and telephone number of any potential parties.

RESPONSE:

Defendant City of Austin is not aware of any potential parties other than those identified in plaintiffs petition.

REQUEST 194.2(c): The legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial).

RESPONSE:

Defendant City of Austin generally denies the material allegations of Plaintiffs pleadings, demands proof thereof as required by the Texas Rules of Civil Procedure and reserves the right to plead further and in greater particularity should the same be indicated as the case progresses.

Defendant City of Austin asserts governmental immunity from all of Plaintiff's claims because they are claims against a governmental entity to which no waiver of immunity applies. Defendant City further assert all exceptions and immunities granted by Tex. Civ. Prac. & Rem. Code Ch. 101.001, *et seq.*

Defendant City of Austin denies that it employed plaintiff. Accordingly, the City cannot be sued for plaintiff's termination or other adverse personnel action under any state or federal statute.

Defendant City of Austin denies that plaintiff has exhausted administrative remedies as required by law.

Defendant City of Austin denies that plaintiff has timely asserted his claims as required by the applicable statutes of limitations.

Defendant City of Austin denies that plaintiff has established the elements of any claim or cause of action against it.

Defendant City of Austin denies Plaintiff's claims have any arguable basis in fact or law and assert that it should be awarded attorney's fees and costs incurred in defense of this matter.

REQUEST 194.2(d1): The amount and any method of calculating economic damages, if any are claimed.

RESPONSE:

Defendant City of Austin seeks reasonable and necessary attorney fees at an hourly rate of \$150.

REQUEST 194.2(e1): The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

RESPONSE:

Defendant City of Austin identifies only the parties to this lawsuit and the individuals identified by plaintiff in his response to Request for Disclosure.

REQUEST 194.2(1)(11): For any testifying expert, the expert's name, address, and telephone number.

RESPONSE:

No expert has been designated at this time.

REQUEST 194.2(0)(21): For any testifying expert, the subject matter on which the expert will testify.

RESPONSE:

No expert has been designated at this time.

REQUEST 194.2(0)(31): For any testifying expert, the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to your control of the responding party, documents reflecting such information.

RESPONSE:

No expert has been designated at this time.

REQUEST 194.2(0)(41)(A1): For any testifying expert retained by, employed by, or otherwise subject to the control of the responding party, all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony.

RESPONSE:

No expert has been designated at this time.

REQUEST 194.2(O(4)(B1): For any testifying expert retained by, employed by, or otherwise subject to the control of the responding party, the expert's current resume and bibliography.

RESPONSE:

No expert has been designated at this time.

REQUEST 194.2(g1): Any indemnity and insuring agreements described in Rule 192.3(t).

RESPONSE:

The existence of the insurance of a governmental agency is expressly confidential by law.

REQUEST 194.2(h1): Any settlement agreements described in Rule 192.3(g).

RESPONSE:

None.

REQUEST 194.2(i): Any witness statements described in Rule 192.3(h).

RESPONSE:

None.

REQUEST 194.2(j): In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

RESPONSE:

None.

REQUEST 194.2(k1): In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.

RESPONSE:

None.

REQUEST 194.2(l): The name, address, and telephone number of any person who may be designated as a responsible third party.

RESPONSE:

Defendant City is not aware of any responsible third parties at this time.