

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 7108213339365761 7855
David P. Griffin
P.O. Box 1013
Johnson City, TX 78636

Via Fascimile to (210) 734-0379
John A. Heller
70 N.E. Loop 410, Suite 1100
San Antonio, Texas 78216

Via Regular Mail
Clark Richards
816 Congress Ave., Suite 1200
Austin, TX 78701


ROMNS/ANDERS

OBJECTIONS TO PLAINTIFF'S DISCOVERY

Defendant objects to plaintiff's discovery in its entirety. It is impossible to ascertain the true nature of the discovery in light of the fact that plaintiff identifies them as interrogatories yet they actually consist of interrogatories and request for production of documents. Plaintiff has not properly propounded any form of discovery under the Texas Rules of Civil Procedure. The rule numbers that plaintiff references do not correspond with state rules related to discovery requests. To the extent plaintiff makes reference to the federal rules, such reference is improper for discovery in a state lawsuit thus plaintiff fails to properly propound discovery to defendant. Because of all these irregularities, defendant is not obligated under the Rules to respond (or object) to the discovery sent by plaintiff.

Defendant objects to "Plaintiff's Interrogatories to Defendant" on the grounds that many such "interrogatories" seek the production of documents which are more properly made the subject of a properly propounded request for production under the Rules of Civil Procedure.

Defendant objects to responding to any request seeking information or documents made confidential by common law, case law, statutes or the Texas Constitution.

Defendant objects to responding to any request seeking information that may impact a criminal investigation or prosecution.

Defendant objects to responding to any request seeking information or documents covered by the attorney work product privilege as violating Rule 192.5(a).

Defendant objects to responding to any request seeking information or documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege as violating Rule 192.5(a)

Defendant objects to any request seeking information or documents covered by the attorney/client communication privilege as violating Rule 192.3 and R.E. 503(b).

Defendant objects to any request seeking information or documents covered by the consulting expert exception as violating Rule 192.3(e).

Defendant objects to plaintiff's definitions and instructions to the extent they purport to place duties and requirements on defendant that exceed those required by the Rules in violation of Rule 192.3(a).

Defendant objects to the definition of "document" on the grounds that it is overly broad and exceeds the permissible scope of discovery permitted by the Rules in violation of Rule 192.3. Respondent further objects to the extent the definition includes documents that are neither relevant nor calculated to lead to the discovery of relevant evidence and therefore the definition is in violation of Rule 192.3.

Defendant objects to the definition of "identify" and "identifying" on the grounds that it is overly broad and exceeds the permissible scope of discovery permitted by the Rules in violation of Rule 192.3(b).

**DEFENDANT CITY OF AUSTIN'S RESPONSES TO
PLAINTIFF'S REQUEST FOR INTERROGATORIES**

INTERROGATORY [SIC] #1:

Please furnish all Documents concerned [sic] John Villarreal.

RESPONSE:

Defendant objects to this "interrogatory" on the grounds that it seeks the production of documents and is, therefore, a request for production under the Rules of Civil Procedure. Defendant further objects on the grounds that the request seeks documents irrelevant to any material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence in violation of Rule 192.3. Defendant objects on the grounds that the request is overly broad and not reasonably limited in time, scope, and relation to the facts at issue in this lawsuit in violation of Rule 192.3. Defendant objects to the request on the grounds that the request for "all Documents concerned [sic]" the named individual is unduly burdensome and vague and ambiguous in violation of Rule 192.3 and defendant is therefore unable to respond.

Further, defendant objects to responding to any request seeking information or documents covered by the attorney work product privilege as violating Rule 192.5(a). Defendant objects to responding to any request seeking information or documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege as violating Rule 192.5(a). Defendant objects to any request seeking information or documents covered by the attorney/client communication privilege as violating Rule 192.3 and R.E. 503(b). Defendant objects to any request seeking information or documents covered by the consulting expert exception as violating Rule 192.3(e). Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY [SIC] #2:

Please produce a complete list and/or log of all complaints filed by Citizens about Public Access Community Television (PACT). From January 1, 2006 to present, including identifying information regarding the complainant and his/her specific complaint.

RESPONSE:

Defendant objects to this "interrogatory" on the grounds that it seeks the production of documents and is, therefore, a request for production under the Rules of Civil Procedure. Defendant further objects on the grounds that the request seeks documents irrelevant to any material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence in violation of Rule 192.3. Defendant objects on the grounds that the request is overly broad and

not reasonably limited in scope and relation to the facts at issue in this lawsuit in violation of Rule 192.3.

Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY [SIC] #3:

Please produce all police reports and/or 911 calls received from the Public Access Center from January 1, 2006 to present.

RESPONSE:

Defendant objects to this "interrogatory" on the grounds that it seeks the production of documents and is, therefore, a request for production under the Rules of Civil Procedure. Defendant further objects on the grounds that the request seeks documents irrelevant to any material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence in violation of Rule 192.3. Defendant objects on the grounds that the request is overly broad and not reasonably limited in scope and relation to the facts at issue in this lawsuit in violation of Rule 192.3.

Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY [SIC] #4:

Please furnish all audit reports and working documents that the City has regarding Public Access Community Television (PACT) during the time period of January 1, 2006 to present.

RESPONSE:

Defendant objects to this "interrogatory" on the grounds that it seeks the production of documents and is, therefore, a request for production under the Rules of Civil Procedure. Defendant further objects on the grounds that the request seeks documents irrelevant to any material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence in violation of Rule 192.3. Defendant objects on the grounds that the request is overly broad and not reasonably limited in scope and relation to the facts at issue in this lawsuit in violation of Rule 192.3.

Further, defendant objects to responding to any request seeking information or documents covered by the attorney work product privilege as violating Rule 192.5(a). Defendant objects to responding to any request seeking information or documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege as violating Rule 192.5(a). Defendant objects to any request seeking information or documents covered by the attorney/client communication privilege as violating Rule 192.3 and R.E. 503(b). Defendant

objects to any request seeking information or documents covered by the consulting expert exception as violating Rule 192.3(e). Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY #5:

Please list all parties to this action that to your knowledge have specific knowledge of the events herein complained of in the instant action.

RESPONSE:

Defendant objects to this request on the grounds that it is duplicative of plaintiffs request for disclosure and refers plaintiff to Defendant City of Austin's response to request for disclosure.

INTERROGATORY [SIC] #6:

Please furnish all insurance documents provided to the City from Public Access Community Television (PACT) starting with the beginning contract to the present.

RESPONSE:

Defendant objects to this "interrogatory" on the grounds that it seeks the production of documents and is, therefore, a request for production under the Rules of Civil Procedure. Defendant further objects on the grounds that the request seeks documents irrelevant to any material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence in violation of Rule 192.3. Defendant objects on the grounds that the request is overly broad and not reasonably limited in scope and relation to the facts at issue in this lawsuit in violation of Rule 192.3.

Further, defendant objects to responding to any request seeking information or documents covered by the attorney work product privilege as violating Rule 192.5(a). Defendant objects to responding to any request seeking information or documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege as violating Rule 192.5(a). Defendant objects to any request seeking information or documents covered by the attorney/client communication privilege as violating Rule 192.3 and R.E. 503(b). Defendant objects to any request seeking information or documents covered by the consulting expert exception as violating Rule 192.3(e). Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY #7:

Please list all actions taken by the City to recover stolen funds from John Villarreal.

RESPONSE:

Defendant objects to this request to "list all actions" on the grounds that it is overbroad and unduly burdensome. Defendant further objects on the grounds that the request seeks documents irrelevant to any material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence in violation of Rule 192.3. Defendant objects on the grounds that the request is overly broad and not reasonably limited in scope and relation to the facts at issue in this lawsuit in violation of Rule 192.3.

Further, defendant objects to responding to any request seeking information or documents covered by the attorney work product privilege as violating Rule 192.5(a). Defendant objects to responding to any request seeking information or documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege as violating Rule 192.5(a). Defendant objects to any request seeking information or documents covered by the attorney/client communication privilege as violating Rule 192.3 and R.E. 503(b). Defendant objects to any request seeking information or documents covered by the consulting expert exception as violating Rule 192.3(e). Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY #8:

Please list all criminal complaints filed against Public Access Community Television (PACT), including the police monitor from January 1,2006 to present.

RESPONSE:

Defendant objects to this request on the grounds that it seeks information irrelevant to any material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence in violation of Rule 192.3. Defendant objects on the grounds that the request is overly broad and not reasonably limited in scope and relation to the facts at issue in this lawsuit in violation of Rule 192.3.

Further, defendant objects to responding to any request seeking information or documents covered by the attorney work product privilege as violating Rule 192.5(a). Defendant objects to responding to any request seeking information or documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege as violating Rule 192.5(a). Defendant objects to any request seeking information or documents covered by the attorney/client communication privilege as violating Rule 192.3 and R.E. 503(b). Defendant objects to any request seeking information or documents covered by the consulting expert exception as violating Rule 192.3(e). Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY #9:

Please explain what you know about the reason for Garry Wilkison no longer being employed with Public Access Community Television (PACT).

RESPONSE:

Defendant objects to this request on the grounds that it seeks information that is neither relevant nor calculated to lead to the discovery of relevant evidence and is, therefore, outside the scope of permissible discovery in violation of Rule 192.3. Defendant objects on the additional grounds that the request impermissibly invades the personal privacy rights of Defendant Wilkison in violation of the common law of Texas, Rules 192.3 and 192.6, and the Texas Constitution. Plaintiff has not articulated any cause of action in which the details of Mr. Wilkison's separation from employment would be relevant or lead to the discovery of evidence. The responding defendant further objects on the grounds that the City of Austin was not the employer of Mr. Wilkison thus this request is more properly addressed to his employer, PACT

INTERROGATORY #10:

If anyone investigated this matter for you including, but not limited to, medical experts, private investigators or insurance adjusters, state their name(s) and address(es), and state whether such investigation was reduced to writing, and the substance of their investigation and findings. If said (sic)

RESPONSE:

Defendant objects to this request on the grounds that it is vague and ambiguous in violation of Rule 192.3 and defendant is therefore unable to respond. Plaintiff has not defined "matter" or given any indication regarding what matter he is referencing. Especially in a suit against multiple defendants, it is particularly unclear what "matter" plaintiff may be inquiring about relative to this defendant.

Further, defendant objects to responding to any request seeking information or documents covered by the attorney work product privilege as violating Rule 192.5(a). Defendant objects to responding to any request seeking information or documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege as violating Rule 192.5(a). Defendant objects to any request seeking information or documents covered by the attorney/client communication privilege as violating Rule 192.3 and R.E. 503(b). Defendant objects to any request seeking information or documents covered by the consulting expert exception as violating Rule 192.3(e). Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY #11:

(sic) investigators obtained any signed, recorded, transcribed or oral statement from any individual, identify the person who gave the statement and the present custodian of such statement. Identify each person interviewed concerning the incident. For each such person state

the date of the interview; the substance of the interview and if the interview was recorded and/or transcribed.

RESPONSE:

Defendant objects to this request on the grounds that it is vague and ambiguous in violation of Rule 192.3 and defendant is therefore unable to respond. Plaintiff has not defined "the incident" or given any indication regarding what incident he is referencing. Especially in a suit against multiple defendants, it is particularly unclear what "incident" plaintiff may be inquiring about relative to this defendant.

Further, defendant objects to responding to any request seeking information or documents covered by the attorney work product privilege as violating Rule 192.5(a). Defendant objects to responding to any request seeking information or documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege as violating Rule 192.5(a). Defendant objects to any request seeking information or documents covered by the attorney/client communication privilege as violating Rule 192.3 and R.E. 503(b). Defendant objects to any request seeking information or documents covered by the consulting expert exception as violating Rule 192.3(e). Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY [SIC] #12:

Please furnish all reports that you personally have made to the board concerning Public Access Community Television (PACT) and this matter.

RESPONSE:

Defendant objects to this "interrogatory" on the grounds that it seeks the production of documents and is, therefore, a request for production under the Rules of Civil Procedure. Defendant further objects on the grounds that the request seeks documents irrelevant to any material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence in violation of Rule 192.3. Defendant objects on the grounds that the request is overly broad and not reasonably limited in scope and relation to the facts at issue in this lawsuit in violation of Rule 192.3. Defendant objects to this request on the grounds that it is vague and ambiguous in violation of Rule 192.3 and defendant is therefore unable to respond. Plaintiff has not defined "matter" or given any indication regarding what matter he is referencing. Especially in a suit against multiple defendants, it is particularly unclear what "matter" plaintiff may be inquiring about relative to this defendant.

Defendant objects on the additional grounds that it is a governmental entity and performs no actions or functions "personally." Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY #13:

Please explain what you know about the reason for Garry Wilkison no longer being with Public Access Community Television (PACT).

RESPONSE:

Defendant objects to this request on the grounds that it is duplicative of request number 9 and for this reason objectionable as unduly burdensome. Defendant refers plaintiff to its objections in response to request number 9.

INTERROGATORY ISIC) #14:

Please furnish all documents from VSA Arts of Texas concerned with work for hire and/or freelance work with Public Access Community Television (PACT).

RESPONSE:

Defendant objects to this "interrogatory" on the grounds that it seeks the production of documents and is, therefore, a request for production under the Rules of Civil Procedure. Defendant further objects on the grounds that the request it is overly broad and global, not properly limited in time, scope, and relation to the facts at issue in this lawsuit and on the grounds that the request seeks documents irrelevant to any material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence, all in violation of Rule 192.3. The responding defendant objects on the additional grounds that this defendant was not involved in the contracts or negotiations, if any, between VSA Arts of Texas and PACT thus this request is more properly addressed to PACT. Defendant further objects on the grounds that information regarding any relationship or business dealings between PACT and VSA Arts is confidential between the parties.

Defendant objects to any request seeking information or documents covered by the attorney work product privilege as violating Rule 192.5(a). Defendant objects to any request seeking information or documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege as violating Rule 192.5(a). Defendant objects to any request seeking information or documents covered by the attorney/client communication privilege as violating Rule 192.3 and R.E. 503(b). Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY #15:

Please explain why Public Access Television changed their name and reorganized on June 30, 2008.

RESPONSE:

Defendant objects to this request on the grounds that it seeks information that is irrelevant to any material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence in violation of Rule 192.3 and because it impermissibly invades the personal privacy rights of Defendant PACT in violation of the common law of Texas, Rules 192.3 and 192.6. Plaintiff has not articulated any cause of action in which the name change of Defendant PACT or its reorganization would be relevant or would lead to information relevant to any cause of action. Further, responding defendant objects to this request on the grounds that it is more properly addressed to Defendant PACT.

INTERROGATORY [SIC] #16:

Please produce a list and/or log of all employees employed by Public Access Community Television (PACT) from January 1, 2006 to present, including their name, address, phone numbers and position of employment.

RESPONSE:

Defendant objects to this "interrogatory" on the grounds that it seeks the production of documents and is, therefore, a request for production under the Rules of Civil Procedure. Defendant further objects on the grounds that the request seeks documents irrelevant to any material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence, all in violation of Rule 192.3. Defendant objects to this request on the grounds that it impermissibly invades the personal privacy rights of individuals not a party to this litigation in violation of the common law of Texas, Rules 192.3 and 192.6, and the Texas Constitution. Responding party objects on the additional grounds that it does not employ PACT or its employees thus this request is more properly addressed to PACT.

Defendant objects to any requests for defendant to create documents not already in existence as such requests are unduly burdensome in violation of Rule 192.6(b). *See In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *McKinney v. National Union Fire Ins. Co.*, 772 S.W.2d 72, 73 n.2 (Tex. 1989); *Smith v. O'Neal*, 850 S.W.2d 797, 799 (Tex. App.-Houston [14th Dist.] 1993, no writ). Defendant objects to any request seeking information or documents covered by the attorney work product privilege as violating Rule 192.5(a). Defendant objects to any request seeking information or documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege as violating Rule 192.5(a). Defendant objects to any request seeking information or documents covered by the attorney/client communication privilege as violating Rule 192.3 and R.E. 503(b). Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY [SIC] #17:

Please produce a list and/or log of all donations and grants given to Public Access Community Television (PACT) from January 1, 2006 to present and their current location.

RESPONSE:

Defendant objects to this "interrogatory" on the grounds that it seeks the production of documents and is, therefore, a request for production under the Rules of Civil Procedure. Defendant further objects on the grounds that the request it seeks documents irrelevant to any material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence, all in violation of Rule 192.3. Defendant objects to this request on the grounds that it impermissibly invades the personal privacy rights of individuals not a party to this litigation in violation of the common law of Texas, Rules 192.3 and 192.6, and the Texas Constitution. Responding party objects on the additional grounds that it is not Defendant PACT and this request is more properly addressed to PACT.

Defendant further objects to any requests for defendant to create documents not already in existence as such requests are unduly burdensome in violation of Rule 192.6(b). *See In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *McKinney v. National Union Fire Ins. Co.*, 772 SW.2d 72, 73 n.2 (Tex. 1989); *Smith v. O'Neal*, 850 S.W.2d 797, 799 (Tex. App.-Houston [14th Dist.] 1993, no writ). Defendant objects to any request seeking information or documents covered by the attorney work product privilege as violating Rule 192.5(a). Defendant objects to any request seeking information or documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege as violating Rule 192.5(a). Defendant objects to any request seeking information or documents covered by the attorney/client communication privilege as violating Rule 192.3 and R.E. 503(b). Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY [SIC] #18:

Please produce a list and/or log of all assets sold by Public Access Community Television (PACT) from January 1,2006 to present.

RESPONSE:

Defendant objects to this "interrogatory" on the grounds that it seeks the production of documents and is, therefore, a request for production under the Rules of Civil Procedure. Defendant further objects on the grounds that the request it seeks documents irrelevant to any material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence, all in violation of Rule 192.3. Responding party objects on the additional grounds that it is not Defendant PACT and this request is more properly addressed to PACT.

Defendant further objects to any requests for defendant to create documents not already in existence as such requests are unduly burdensome in violation of Rule 192.6(b). *See In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *McKinney v. National Union Fire Ins. Co.*, 772 S.W.2d 72, 73 n.2 (Tex. 1989); *Smith v. O'Neal*, 850 S.W.2d 797, 799 (Tex. App.-Houston [14th Dist.] 1993, no writ). Defendant objects to any request seeking information or documents covered by the attorney work product privilege as violating Rule 192.5(a). Defendant objects to any request seeking information or documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege as violating Rule

192.5(a). Defendant objects to any request seeking information or documents covered by the attorney/client communication privilege as violating Rule 192.3 and R.E. 503(b). Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY [SIC] #19:

Please produce a list and/or log of all donations that you have personally have given to Public Access Community Television (PACT) from January 1, 2006 to present.

RESPONSE:

Defendant objects to this "interrogatory" on the grounds that it seeks the production of documents and is, therefore, a request for production under the Rules of Civil Procedure. Defendant further objects on the grounds that the request seeks documents irrelevant to any material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence, all in violation of Rule 192.3.

Defendant objects to this request on the additional grounds that it is a governmental entity and does not perform any actions "personally."

Defendant further objects to any requests for defendant to create documents not already in existence as such requests are unduly burdensome in violation of Rule 192.6(b). *See In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *McKinney v. National Union Fire Ins. Co.*, 772 S.W.2d 72, 73 n.2 (Tex. 1989); *Smith v. O'Neal*, 850 S.W.2d 797, 799 (Tex. App.~Houston [14th Dist.] 1993, no writ). Defendant objects to any request seeking information or documents covered by the attorney work product privilege as violating Rule 192.5(a). Defendant objects to any request seeking information or documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege as violating Rule 192.5(a). Defendant objects to any request seeking information or documents covered by the attorney/client communication privilege as violating Rule 192.3 and R.E. 503(b). Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY [SIC] #20:

Please produce a list of all work for hire/freelance work that you have done while working for Public Access Community Television (PACT) from January 1, 2006 to present.

RESPONSE:

Defendant objects to this "interrogatory" on the grounds that it seeks the production of documents and is, therefore, a request for production under the Rules of Civil Procedure. Defendant further objects on the grounds that the request seeks documents irrelevant to any

material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence, all in violation of Rule 192.3.

Defendant objects to this request on the additional grounds that it is a governmental entity and does not perform any work for PACT, whether as a hired or freelance employee.

Defendant further objects to any requests for defendant to create documents not already in existence as such requests are unduly burdensome in violation of Rule 192.6(b). *See In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *McKinney v. National Union Fire Ins. Co.*, 772 S.W.2d 72, 73 n.2 (Tex. 1989); *Smith v. O'Neal*, 850 S.W.2d 797, 799 (Tex. App.-Houston [14th Dist.] 1993, no writ). Defendant objects to any request seeking information or documents covered by the attorney work product privilege as violating Rule 192.5(a). Defendant objects to any request seeking information or documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege as violating Rule 192.5(a). Defendant objects to any request seeking information or documents covered by the attorney/client communication privilege as violating Rule 192.3 and R.E. 503(b). Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY [SIC] #21:

Please furnish all insurance documents and policies that Public Access Community Television (PACT) has had from the inception of its contract with the City of Austin to the present.

RESPONSE:

Defendant objects to this "interrogatory" on the grounds that it seeks the production of documents and is, therefore, more properly propounded in a request for disclosure or a request for production under the Rules of Civil Procedure. Defendant further objects on the grounds that the request is not reasonable limited in time or subject matters and that it seeks documents irrelevant to any material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence, all in violation of Rule 192.3.

Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY [SIC] #22:

Please furnish all data stored in Facil including back up copies that are kept off site from January 1, 2006 to present.

RESPONSE:

Defendant objects to this "interrogatory" on the grounds that it seeks the production of documents and is, therefore, a request for production under the Rules of Civil Procedure.

Defendant further objects on the grounds that the request is not reasonably limited in scope or subject matter and seeks documents irrelevant to any material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence, all in violation of Rule 192.3. Responding party objects on the additional grounds that it is not Defendant PACT and this request is more properly addressed to PACT.

Defendant also objects to the request on the grounds that it seeks information that is personal or confidential and involving non-parties. Defendant objects to this request to the extent that it seeks information or documents covered by the attorney work product privilege in violation Rule 192.5(a). Defendant objects to the request to the extent that it seeks documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege in violation of Rule 192.5(a). Defendant objects to the request to the extent that it seeks information or documents covered by the attorney/client communication privilege in violation of Rule 192.3 and R.E. 503(b). Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY (SIC! #23:

Please furnish all financial records for Public Access Community Television (PACT) from January I, 2006 to present.

RESPONSE:

Defendant objects to this "interrogatory" on the grounds that it seeks the production of documents and is, therefore, a request for production under the Rules of Civil Procedure. Defendant further objects on the grounds that the request is not reasonably limited in scope or subject matter and seeks documents irrelevant to any material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence, all in violation of Rule 192.3.

Defendant also objects to the request on the grounds that it seeks information that is personal or confidential and involving non-parties. Defendant objects to this request to the extent that it seeks information or documents covered by the attorney work product privilege in violation Rule 192.5(a). Defendant objects to the request to the extent that it seeks documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege in violation of Rule 192.5(a). Defendant objects to the request to the extent that it seeks information or documents covered by the attorney/client communication privilege in violation of Rule 192.3 and R.E. 503(b). Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY #24:

Supply a copy of any letter or documents sent by you, your attorneys, representatives, employees, or any individual to the web hosting company known as Hostica.

RESPONSE:

Defendant objects to this "interrogatory" on the grounds that it seeks the production of documents and is, therefore, a request for production under the Rules of Civil Procedure. Defendant further objects on the grounds that the request is not reasonably limited in scope or subject matter and seeks documents irrelevant to any material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence, all in violation of Rule 192.3. Defendant objects to this request on the grounds that it is vague and fails to properly explain the meaning of "employee" or "representative," inasmuch as defendant is an individual and not a business entity. Defendant objects to this Interrogatory on the grounds that it is overbroad in that it seeks documents sent by "any individual." Responding party objects on the additional grounds that it is not Defendant PACT and this request is more properly addressed to PACT.

Defendant also objects to the request on the grounds that it seeks information that is personal and confidential and involving non-parties. Defendant objects to this request to the extent that it seeks information or documents covered by the attorney work product privilege in violation Rule 192.5(a). Defendant objects to the request to the extent that it seeks documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege in violation of Rule 192.5(a). Defendant objects to the request to the extent that it seeks information or documents covered by the attorney/client communication privilege in violation of Rule 192.3 and R.E. 503(b). Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

Subject to and without waiver of the foregoing objections, Defendant City responds that there are none.

INTERROGATORY #25:

Please list all parties including all attorneys, representatives, employees, or any individual associated for or with Public Access Community Television (PACT).

RESPONSE:

Defendant objects to this request on the grounds that the term "parties" is vague and ambiguous in violation of Rule 192.3. The term "parties" would commonly mean parties to the lawsuit; in which case the "parties" were set forth by Plaintiff in Plaintiff's Original Petition. To the extent plaintiff seeks to redefine "parties to include "attorneys, representatives, employees, or any individual associated for or with Public Access Community Television (PACT)" then the request is vague, ambiguous and unduly burdensome. Defendant objects to the request on the additional grounds that it is not reasonably limited in time, scope, and relation to the facts at issue in this lawsuit in violation of Rule 192.3. Defendant objects to this request on the additional grounds that it is not PACT and this request might more properly be addressed to PACT.

Defendant objects to this request to the extent that it seeks information or documents covered by the attorney work product privilege in violation Rule 192.5(a). Defendant objects to the request to the extent that it seeks documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege in violation of Rule 192.5(a). Defendant objects to the request to the extent that it seeks information or documents covered by the attorney/client communication privilege in violation of Rule 192.3 and R.E. 503(b).

Subject to and without waiver of the foregoing objections, responding defendant refers plaintiff to his Original Petition for identification of the parties to this lawsuit and to the City's Response to Request for Disclosure.

INTERROGATORY #26:

Please furnish all information about the Avid Editing Systems at Public Access Community Television (PACT) who uses them, and the exact amount of funds spent by Public Access Community Television (PACT) for Avid equipment, accessories, or supplies.

RESPONSE:

Defendant objects to this request on the grounds that it seeks information irrelevant to any material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence in violation of Rule 192.3. Defendant objects to this request on the grounds that it is overly broad, vague and global, not properly limited in time, scope, and relation to the facts at issue in this lawsuit in violation of Rule 192.3. Responding defendant objects to this request on the additional grounds that it is not Defendant PACT and this request is more properly addressed to PACT.

Defendant objects to responding to any request seeking information or documents covered by the attorney work product privilege in violation Rule 192.5(a). Defendant objects to responding to any request seeking information or documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege in violation of Rule 192.5(a). Defendant objects to any request seeking information or documents covered by the attorney/client communication privilege in violation of Rule 192.3 and R.E. 503(b). Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY #27:

Please furnish a complete list of all Public Access Community Television (PACT) Producers, their full legal names, address, and phone numbers.

RESPONSE:

Defendant objects to this "interrogatory" on the grounds that it seeks the production of documents and is, therefore, a request for production under the Rules of Civil Procedure. Defendant objects to this request on the grounds that it seeks documents irrelevant to any

material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence in violation of Rule 192.3. Defendant objects to this request on the grounds that it is overly broad, vague and global, not properly limited in time, scope, and relation to the facts at issue in this lawsuit in violation of Rule 192.3. Defendant objects to this request on the grounds that it impermissibly invades the personal privacy rights of individuals not a party to this litigation in violation of the common law of Texas, Rules 192.3 and 192.6, and the Texas Constitution. Plaintiff has not articulated any cause of action in which personal information of non-parties would be relevant or would lead to information relevant to any cause of action as pled by the Plaintiff. Responding defendant objects to this request on the additional grounds that it is not Defendant PACT and this request is more properly addressed to PACT.

Defendant further objects to any requests for defendant to create documents not already in existence because such requests are unduly burdensome in violation of Rule 192.6(b). *See In re Colonial Pipeline Co.*, 968 S.W.2d 938,942 (Tex. 1998); *McKinney v. National Union Fire Ins. Co.*, 772 S.W.2d 72, 73 n.2 (Tex. 1989); *Smith v. O'Neal*, 850 S.W.2d 797, 799 (Tex. App.-Houston [14th Dist.] 1993, no writ). Defendant objects to responding to any request seeking information or documents covered by the attorney work product privilege in violation Rule 192.5(a). Defendant objects to responding to any request seeking information or documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege in violation of Rule 192.5(a). Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY [SIC] #28:

Please furnish all documentation concerning Kevin Muir, Author of the Employee Termination Guidebook.

RESPONSE:

Defendant objects to this "interrogatory" on the grounds that it seeks the production of documents and is, therefore, a request for production under the Rules of Civil Procedure. Defendant further objects on the grounds that the request seeks documents irrelevant to any material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence in violation of Rule 192.3. Defendant objects on the grounds that the request is overly broad and not reasonably limited in time, scope, and relation to the facts at issue in this lawsuit in violation of Rule 192.3. Defendant objects to the request on the grounds that the request for "all documentation concerning" the named individual is unduly burdensome, vague and ambiguous in violation of Rule 192.3 and defendant is therefore unable to respond.

Further, defendant objects to responding to any request seeking information or documents covered by the attorney work product privilege as violating Rule 192.5(a). Defendant objects to responding to any request seeking information or documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege as violating Rule 192.5(a). Defendant objects to any request seeking information or documents covered by the attorney/client communication privilege as violating Rule 192.3 and R.E. 503(b). Defendant

objects to any request seeking information or documents covered by the consulting expert exception as violating Rule 192.3(e). Defendant objects to responding to any request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

Subject to and without waiver of the foregoing objections, neither this individual nor the publication plaintiff attributes to him is known to the City's representative in this matter.

INTERROGATORY #29:

Please explain what you know about the reason for Garry Wilkison no longer being employed with Public Access Community Television (PACT)

RESPONSE:

Defendant objects to this request on the grounds that it is duplicative of plaintiff's requests number 9 and 13 and objectionable as unduly burdensome for this additional reason. Further, defendant refers plaintiff to its responses to requests 9 and 13 and incorporates those responses by reference as fully set forth here.

INTERROGATORY [SIC] #30:

Please supply all audio records of telephone conversations between the City of Austin and Public Access Community Television (PACT) concerning David P. Griffin that is either in your possession or that of your associates or employees or other individuals including but not limited to Stefan Ray.

RESPONSE:

Defendant objects to this "interrogatory" on the grounds that it seeks the production of documents and tangible things and is, therefore, a request for production under the Rules of Civil Procedure. Defendant further objects on the grounds that the request seeks documents irrelevant to any material issue in this lawsuit and not calculated to lead to the discovery of admissible evidence, all in violation of Rule 192.3. Defendant objects to this request on the grounds that it impermissibly invades the personal privacy rights of individuals not a party to this litigation in violation of the common law of Texas, Rules 192.3 and 192.6, and the Texas Constitution.

Defendant objects to any requests for defendant to create documents not already in existence as such requests are unduly burdensome in violation of Rule 192.6(b). *See In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *McKinney v. National Union Fire Ins. Co.*, 772 S.W.2d 72,73 n.2 (Tex. 1989); *Smith v. O'Neal*, 850 S.W.2d 797, 799 (Tex. App.-Houston [14th Dist.] 1993, no writ). Defendant objects to any request seeking information or documents covered by the attorney work product privilege as violating Rule 192.5(a). Defendant objects to any request seeking information or documents prepared by defendant or defense counsel in anticipation of litigation and covered by the investigative privilege as violating Rule 192.5(a). Defendant objects to any request seeking information or documents covered by the attorney/client communication privilege as violating Rule 192.3 and R.E. 503(b). Defendant objects to responding to any

request seeking information or documents that are part of a criminal investigation or criminal prosecution. Defendant objects to responding to any request seeking information or documents that are confidential by law, privileged or the disclosure of which would violate the privacy or proprietary interests of an individual or entity.

INTERROGATORY #31:

For any testifying expert:

- (a) the expert's name, address, and telephone number;
- (b) the subject matter on which the expert will testify;
- (c) 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 the control of the responding party, documents reflecting such information;
- (d) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:
 - (1) 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; and
 - (2) the expert's current resume and bibliography.

RESPONSE:

Defendant objects to this request on the grounds that it is duplicative of Plaintiffs Request for Disclosure and therefore unduly burdensome. Defendant refers plaintiff to its response to Request for Disclosure.

INTERROGATORY [SIC] #32:

Any indemnity and insuring agreements described in Rule 192.3(1) which states "Except as otherwise provided by law, a party may obtain discovery of the existence and content of any indemnity or insurance agreement under which any person may be liable to satisfy part or all of a judgment rendered in the action or to indemnify or reimburse for payments made to satisfy the judgment. Information concerning the indemnity or insurance agreement is not by reason of disclosure admissible in evidence at trial."

RESPONSE:

Defendant objects to this request on the grounds that it is duplicative of Plaintiffs Request for Disclosure and therefore unduly burdensome. Defendant refers plaintiff to its response to Request for Disclosure.

INTERROGATORY [SIC] #33:

Any settlement agreements described in Rule 192.3(g) which states "A party may obtain discovery of the existence and contents of any relevant portions of a settlement agreement. Information concerning a settlement agreements is not by reason of disclosure admissible in evidence at trial."

RESPONSE:

Defendant objects to this request on the grounds that it is duplicative of Plaintiff's Request for Disclosure and therefore unduly burdensome. Defendant refers plaintiff to its response to Request for Disclosure.

VERIFICATION

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Rondella Hawkins, known to me to be the person whose name is subscribed below, who, being by me first duly sworn, upon her oath, deposed and said that she is a representative of Defendant City of Austin, that she has read the above and foregoing answers to Defendant's Interrogatories, that they are within her personal knowledge, and that they are true and correct.

& ~ ~

Rondella Hawkins on behalf of City of Austin

SWORN TO and SUBSCRIBED before me this 10th day of September, 2009.

Mona Gay Light Being

Notary Public-State of Texas

..... Mona Gay Light Being
..... Notary Public
..... State of Texas
..... My Commission Expires
..... March 18, 2012