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Telephone No.: (210) 734-7092  
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ATTORNEYS FOR DEFENDANT,  
HELENE CAUDILL

**CERTIFICATE OF SERVICE**

This is to certify that on the 11<sup>th</sup>-day of September 2009, a copy of the foregoing document has been forwarded by certified mail, return receipt requested, to:

David P. Griffin  
P.O. Box 1013  
Johnson City, TX 78636  
*Plaintiff Pro Se*

via CMRRR #71603901 984832499298

Robin Sanders  
Assistant City Attorney  
City of Austin Law Department  
P.O. Box 1546  
Austin, Texas 78767-1546  
*Attorney for City of Austin & Rondella Hawkins*

~a      i/i1L--  
John A. Heller

RESPONSES TO REQUEST FOR DISCLOSURE

- a. the correct names of the parties to the lawsuit;

RESPONSE:

David P. Griffin, Plaintiff

Defendants:

Public Access Community Television a/k/a Channel Austin; Linda Litowsky; Garry Wilkinson; Cathy Beaudoin; Jackie Goodman; Celia Hughes; Emanuel Limuel, Jr.; Oscar Palomo; Daniel Scardino; Deborah Hill; Helene Caudill; City of Austin and Ron della Hawkins.

Trena Denley is named in the Citation but not in the petition itself and Defendant does not believe that she is properly a party.

Defendant denies that Plaintiff has pled any proper cause of action against the named Defendants.

- b. the names, addresses, and telephone number of any potential parties;

RESPONSE:

None.

- c. the legal theories, and in general, the factual basis of the responding party's claims or defenses;

RESPONSE:

Plaintiff's Petition has listed causes of action as: "hostile work environment;" "Protection under the Whistle Blower Act;" "Slander, Libel, Harassment;" and "Conspiracy to Cover Up Illegal Activity" In response to Defendant's Request for Disclosures, Plaintiff stated that the legal theories of his claims were "Right and wrong. The Whistle Blowers Act." This Defendant is an individual who has never been the employer of Plaintiff. This Defendant is not subject to an action under the Texas Whistle Blowers statute. Plaintiff has failed to timely file or pursue a claim under the Texas Whistle Blowers' statute against this or any other defendant to the suit. This Defendant is not an "employer" as defined by any statute permitting a claim for a "hostile work environment" "harassment" or any other employment related action and therefore such a cause of action cannot be maintained against the Defendant. Plaintiff has failed to timely file or pursue a claim under any employment related statute against this or any other defendant to the suit. Plaintiff

has failed to timely file or pursue a claim of defamation (slander or libel) against this or any other defendant in this action. Plaintiff has failed to timely file or pursue a claim of "conspiracy to cover up illegal activity" against this or any other defendant in this action. These claims are no more than a recasting of a claim under the Whistle Blowers statute. Defendant further states that any damages suffered by Plaintiff were the result of his own actions and not caused by any of the defendants.

- d. the amount and any method of calculating economic damages (as indicated by the CO111111entssuch request includes the disclosure by defendant of its denial as to nay damages asserted and/or the basis for contesting the damage calculations);

RESPONSE:

Defendant is not seeking damages at this time. Plaintiff has not yet fully disclosed the amount and method of calculating his alleged damages and Defendant reserves the right to dispute the amount and method of calculating any such damages subsequently disclosed by Plaintiff.

- e. the names, addresses, and telephone numbers of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;

RESPONSE:

As discovery is ongoing, Defendant reserves the right to supplement this request. At present, please see the *List of Persons with Knowledge of Relevant Facts* attached hereto as Exhibit "A."

- f. for any testifying expert:
1. the expert's name, address, and telephone number;
  2. the subject matter on which the expert will testify;
  3. 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 control of the responding party, documents reflecting such.. information;
  4. if the expert is retained by, employed by, or otherwise subject to the control of the responding party:

- (i) 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
- (ii) the expert's current resume and bibliography

**RESPONSE:**

No experts have yet been retained.

- g. any indemnity and insurance agreements described in Rule 192.3(t);

**RESPONSE:**

Will supplement.

- h. any settlement agreements described in Rule 192.3(g);

**RESPONSE:**

None.

- i. any witness statements described in Rule 192.3(h).

**RESPONSE:**

None at this time, as Plaintiff has failed identify a proper cause of action against this defendant and therefore there are no statements in response to Plaintiff's claims that can be properly identified. Defendant will supplement if any such claim is identified.

- J. in a suit alleging physical or mental injury or 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 pernitting the disclosure of such medical records and bills;

**RESPONSE:**

None currently in Defendant's possession.

k. in a suit alleging physical or mental injury or damages from **the** occurrence that is the subject of the case, all medical records and bills obtained by the requesting party;

**RESPONSE:**

**None currently in Defendant's possession.**

## Persons With Knowledge of Relevant Facts

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

Linda Litowsky

Daniel Scardino

Garry Wilkison

Jackie Goodman

Cathy Beaudoin

Emanuel Limuel

Deborah L. **Hill**

Celia Hughes

Oscar Palomo

Helen Caudill