

# CHAPTER FOUR

## DOCUMENT REQUESTS

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### GENERAL

1. Provide a copy of any document which Appellant has submitted since his removal from the Agency in search of employment.
2. Provide a copy of any document which demonstrates wages or salary earned or received by Appellant since his employment with the Agency ended.
3. Provide a copy of any termination or removal notice which Appellant received in connection with any employment held by Appellant other than with the Agency.
4. Provide copies of all documents in your possession that pertain to your contention that the removal action was too harsh, state with specificity the facts and legal authority upon which you rely to support your contention.
5. Provide copies of all documents in your possession that pertain to your contention that the charges against you are unsupported by preponderant evidence; for each sustained charge and specification, state with specificity the facts and legal authority upon which you rely to support your contention.

### ATTORNEYS FEES [See related [Interrogatories](#)]

1. Since Appellant has requested an award of attorney fees, provide a copy of Appellant's contract with her representative in this matter.
2. Please provide any and all documents discussing, describing, relating to, or embodying any agreement for the Appellant's payment of legal fees and costs in this matter.
3. Please provide any and all documents, including bills, invoices, statements, or correspondence, itemizing the amounts of time spent in preparing the Appellant's case to date and continuing, any amounts billed for same, and any responses thereto.

### CLASSIFICATION [See related [Interrogatories](#)]

1. Produce all memos, e-mails, and/or correspondence concerning establishment of GS-XX position of TITLE, within the Appellant's possession.
2. Produce all memos, e-mails, and correspondence concerning establishment of the TITLE, within the Appellant's possession.
3. Please provide any and all documentation, including e-mails, correspondence, notes, letters, memoranda, or any other document(s), that were sent to you or from you to any Agency official that describes what your duties and responsibilities would be following the cancellation of your appointment.
4. Produce all memos, e-mails, correspondence, or other records pertaining to and/or reflecting determinations to fill positions from YEAR to the present in the Agency through competition rather than upgrading them through reclassification on the basis of accretion of duties within the Appellant's possession.
5. Please provide any and all documentation, including e-mails, correspondence, notes, letters, memoranda, or any other document(s), that were sent to you or which you sent to any Agency official prior to your appointment to the position which describes the appointment mechanism, your new duties and responsibilities, or which explains how the appointment mechanism differs from a Title 5 appointment.
6. Please provide any and all documentation, including e-mails, correspondence, notes, letters, memoranda or any other document(s), that you were given prior to the corrective action taken to cancel the appointment to the position which describes any aspect of the cancellation itself, the decision to cancel the appointment, or any other aspect of the cancellation which you received from any Agency official or which you sent to any Agency official.

**COMMUNICATIONS** [See related Definitions]

1. Please provide all tapes (edited or unedited) of any conversations, discussions, and meetings in the Agency offices.
2. Please provide all notes you took of discussions with management officials and/or coworkers in the Agency offices.
3. Please provide a copy of any tape recordings of conversations concerning any aspect of your employment with the Agency.
4. Please provide any and all correspondence between Appellant and Agency, or any person currently or formerly employed by the agency, relating to this case.

**CRIMES** [See related Interrogatories]

1. Provide a copy of any and all reports generated in connection with Appellant's probation.
2. Provide a copy of any document, including, but not limited to, e-mail messages, which would indicate that Appellant was keeping any Agency employee or official informed of his criminal prosecution.
3. Provide any and all documents related to any crime, during the time preceding the date of your answers to this Request for Production of Documents, in which you have been convicted of a crime, including any crime involving any form of violence.
4. Provide a copy of all documents that Appellant submitted to the U.S. District Court, or any Intake, Parole, or Probation Officer, in connection with his criminal prosecution (Case No. 00-0000X), including, but not limited to, pre-sentencing or post-sentencing procedures.
5. Provide a copy of any written statement or transcription of any oral statement provided by Appellant in connection with any investigation into criminal activities on his part, his arrest, his criminal prosecution, any conviction or sentencing, or participation in any diversion program.

**DAMAGES, COMPENSATORY/CONSEQUENTIAL** [See related Definitions and Interrogatories]

1. Please produce any and all documents that support your itemization of your damages.
2. Provide any and all documentation related to Appellant's claims for compensatory damages.
3. Provide copies of all documents in your possession that pertain to your claim for consequential damages.
4. Provide a copy of any and all documents that reflect, refer to, or relate to any monetary relief that Appellant is seeking through this appeal.
5. Provide copies of all documents in your possession that pertain to your claim for compensatory damages based on your discrimination claims.
6. Please provide a copy of any documentation that supports your claim for damages (including compensatory damages) not previously provided in response to these requests.
7. Regarding your claim for compensatory damages, provide all documents, if any, that pertain to your:
  - a. pecuniary losses, including future pecuniary losses;
  - b. emotional pain;
  - c. suffering;
  - d. inconvenience;
  - e. mental anguish;
  - f. loss of enjoyment of life; and
  - g. any other compensatory damages.

**DISCRIMINATION** [See related Interrogatories and Requests for Admissions]

1. Provide copies of any and all evidence in Appellant's possession that supports any claim that he was a "qualified handicapped employee."
2. Provide all documents, items, or things that you believe support a finding that you were discriminated against in any way because of your [sex].
3. Provide any and all documents relating to your allegations of discrimination against you when the Agency removed you from employment based on [race].
4. Provide copies of all documents in your possession that pertain to your demand to fully and finally resolve your appeal and discrimination claims, including a statement of attorney fees.
5. Provide copies of all documents in your possession that pertain to your contention that NAMES ever made jokes or derogatory comments, orally or in writing, about an individual's [race].
6. Provide copies of all documents in your possession that pertain to your contention that the sustained action constituted prohibited discrimination based on age in violation of the Age Discrimination in Employment Act.
7. Provide copies of all documents in your possession that pertain to your contention that the sustained action constituted prohibited discrimination based on race in violation of Title VII of the 1964 Civil Rights Act, as amended.
8. Provide copies of all documents in your possession that pertain to your contention that a similarly situated Agency employee(s) of another race was/were treated more favorably than you for conduct similar to that sustained in this action.
9. Provide the investigative materials you obtain from the OUTSIDE AGENCY pursuant to your DATE discovery request; specifically, the investigative materials (documents as well as statements or transcripts of testimony).
10. Provide any and all correspondence, notes, memoranda, documents, and/or photographs that you may have in your possession, custody, or control that concern or relate, in any way, to any present or past employee of the Agency, and allegations of discriminatory conduct (including race, retaliation, age, gender, disability, national origin, etc.) that you may attempt to attribute to the Agency or any of its agents or employees in this appeal.

**ECONOMIC**

1. Provide a copy of Schedule C of your YEAR income tax returns.
2. Provide a copy of all check registers and monthly account statements on all checking accounts standing in your name or on which you had the rights to draw checks from DATE to DATE.
3. Provide a copy of all books of accounts, records, billings, writings and receipts reflecting the receipt by you of all income earned or received by you, other than from your U.S. Government salary, interest and dividends, from DATE to DATE.
4. Provide all documents relating to or supporting any damages claimed by you, including, but not limited to, all documents referring or relating to any claims for "lost income," back pay, and/or frontpay, other employee benefits, compensatory damages, or non-monetary claims.

**EVIDENCE** [See also EXHIBITS]

1. Provide any and all documents relating to any civil suit brought by or against you at any time.
2. Provide any and all documents identified in response to Agency's [First] Interrogatories to Appellant.
3. Provide all documents identified or referred to in your answers to the Agency's interrogatories above.
4. Provide any and all documents relied upon by the Appellant in responding to Agency's [First] Interrogatories.
5. Produce every document that relates or refers to the contentions raised in response to the Agency interrogatories above.
6. Provide all documents and other items of tangible evidence the Appellant intends to introduce at the hearing in this case.

7. Provide any and all documents that support the Appellant's responses to Agency's [First] Interrogatories to Appellant.
8. Please produce any and all documents in the Appellant's possession that relate in any way to this case or the Agency interrogatories.
9. Please provide undersigned counsel with a copy of any document identified by Appellant in his answers to the above interrogatories.
10. Provide any and all documents which provide the factual basis for, or otherwise refer or relate to, each and every allegation in your appeal.
11. Please produce any and all documents used, referred to, referenced, or relied upon by Appellant in responding to the agency's interrogatories.
12. Please provide true and correct copies of each and every document or exhibit identified by you in response to the Agency's [First] Interrogatories to Appellant.
13. Please provide true and correct copies of all documents constituting, relating to, and/or referring to any defense or allegation made by Appellant in this appeal.
14. For each answer provided that denies, in whole or part, a request for admission set forth above, provide any documents that contain information supporting the denial.
15. Provide a copy of any document that indicates that any of the reasons, facts, or statements set forth in the letter proposing your removal are false, incorrect, or misleading.
16. Please provide all notes, correspondence (including e-mails), diaries, memoranda or any other type of document kept by you relating in any way to the allegations contained in your appeal.
17. Provide all documents and other items of tangible evidence, referred to and/or relating to Appellant's response to the proposed removal letter and to Appellant's appeal.
18. Identify and provide each document that was consulted in answering these interrogatories, specifying the particular interrogatory that the document was consulted in connection with.
19. Unless provided in response to any other Request for Production of Documents, provide every document that reflects, refers to, or relates to any allegation of discrimination or unfair treatment.
20. Produce true and correct copies of any and all documents in Appellant's possession that refute, or in any way may be construed to refute, the factual allegations contained in the Appellant's appeal.
21. Provide each and every document, including memoranda, letters, notations, calendars, and any other writing of any nature or description (including electronic or computer documents) that support your claims.
22. Provide all documents and other items of tangible evidence identified, utilized, or otherwise involved in the Appellant's responses to the Agency's interrogatories and requests for production and admissions.
23. Please provide all tape recordings, diaries, notes, logs, e-mails, faxes or documents of any kind and nature maintained by Appellant that relate to the appeal, including the charges brought by the Agency and Appellant's contentions and affirmative defenses.
24. Provide all documents and other tangible evidence reviewed by the Appellant or anyone on the Appellant's behalf in connection with Appellant's response to the proposed removal letter, Appellant's appeal, and Appellant's responses to the Agency's interrogatories and request for production and admissions.
25. Please produce all documents identified in the foregoing interrogatories, and please produce all other documents that in any way support or relate to the above-captioned appeals. If a document has been produced by the Agency as part of the Agency File, please identify the document, but it need not be produced.
26. Please produce all documents created by or in the possession of the Appellant that relate to the matters addressed in the Proposed Adverse Action memorandum from SUPERVISOR to Appellant, dated DATE. This request includes, but is not limited to, production of all notes, handwritten, typed, or computer-generated, made by the Appellant, that relate in any way to the matters addressed in the proposed removal notice. In general, this request includes all notes created and/or maintained by the Appellant that address or record meetings or conversations with Agency employees about the Appellant's proposed removal from the Agency. In short, the Agency seeks any records in the Appellant's possession relating to the subject matter of this dispute that are not already included in the Agency File or in documents that the Agency has released to Appellant as part of the discovery process. The time period covered by this request is DATE through the present.

## **EXHIBITS** [See also EVIDENCE]

1. Provide all documents Appellant intends to use as exhibits at a hearing on this appeal.
2. Provide any and all documents that you intend to submit to the MSPB in support of your appeal.
3. Please produce and identify any documents, or other items, that Appellant may use as exhibits at the hearing.
4. Please list, and describe in sufficient detail to enable the Agency to locate in its files, all documents you intend to use as exhibits in the MSPB hearing on this matter.
5. Please provide true and correct copies of all documents and exhibits you will attempt to introduce in your prehearing submission or at the hearing in this appeal.
6. Please provide copies of all documents that you intend to rely upon at depositions or at a hearing to support the assertions made in the appeal that your assignment rights were violated.
7. Provide all documents you now believe you will offer as evidence (other than what is included in the agency file) and produce a copy of each document if it has not already been produced.
8. Please provide copies of all documents that you intend to rely upon at depositions or a hearing to support the assertions made in the appeal that the RIF was not legitimate, or that it was improper.
9. Other than the documents that the Agency produced to you relating to the Memorandum of Understanding, produce any document that you intend to use as an exhibit during the hearing in the appeal relating to the Memorandum of Understanding or to the negotiation of the Memorandum of Understanding.
10. Provide all documents received by the Appellant via "Agency equipment," during the period DATE through the present. Agency equipment refers to facsimile machines and to documents received as attachments to e-mails sent on Agency computers and printed, by Appellant, on Agency printers. Please do not include any such document that is included in the Agency File.
11. Identify all documents Appellant intends to in any manner inspect, review, comment on, or rely upon during his testimony during the hearing, or in preparation for such hearing.
12. Identify all documents not already in the copy of the Agency File sent to you that you intend to submit to MSPB as evidence, and specify the information contained in each such document or, preferably, send us a copy.

## **EXPERT REPORTS**

1. Provide any report or opinion obtained from any expert concerning matters that are at issue in this appeal.
2. Please produce all reports received from any expert whom Appellant expects to call as a witness at the hearing of the above-captioned appeals.
3. Please provide a copy of any report, opinion, statement, or other document produced by any expert who you have retained to advise you on this appeal.
4. Please provide copies of all reports and the *curriculum vitae* from all experts you intend to call at a hearing of this case or submit to the MSPB in support of your appeal.
5. Please provide any and all documents or other written material that may be relied upon by any expert who Appellant may call as a witness at the trial or hearing of this case.
6. Provide a copy of any report or other similar written document supplied to any expert witness whom Appellant intends to or has hired to provide an opinion or testimony in this appeal or any report or other similar written document that Appellant has been provided by any such expert witness. Provide a *curriculum vitae* for each and every expert witness who Appellant intends to or has hired to provide an opinion or testimony in this appeal. Provide a copy of any journal, article, or any other writing that any expert has referred, or intends to refer, to or rely on in providing Appellant an opinion or testimony in this matter.