

# CHAPTER FOUR

## DOCUMENT REQUESTS

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### ABSENCE

1. Produce any and all documents in your possession, custody or control that relate to your allegation that other employees were treated more favorably than you with regard to leave approval.
2. Produce any and all documents that relate to the incidents of AWOL that you claim are discriminatory, including but not limited to, documents that relate to the cause of your absence, any advance notification you gave any agency employee of your absence, any requests for leave, any subsequent justifications for your absence presented to any agency employee, and any responses you received from any agency employee.

### ADMISSIONS—USE WITH DOCUMENT REQUESTS

1. If you deny, in whole or in part, Request for Admission No. 1, produce any and all documents that you rely upon in believing the request is untrue.

### AGE DISCRIMINATION

1. Produce copies of all documents in the complainant's possession that pertain to his/her contention that his/her [suspension, removal, failure to hire, failure to promote, etc.] constituted prohibited discrimination based on age in violation of the Age Discrimination in Employment Act.

### AMENDMENT OF COMPLAINTS

1. Produce any and all documents that relate to any contact you had with any agency official with regard to amending your complaint.
2. If in response to Interrogatory NUMBER, you have indicated an intent to amend your complaint, produce any and all documents in the possession, custody or control of you or your agents or representatives that relate to the amendment.

### ATTORNEY FEES

1. Produce copies of complainant's contract with his/her representative in this matter.
2. Produce copies of all documents discussing, describing, relating to, or embodying any agreement for the complainant's payment of legal fees and costs in this matter.
3. Produce copies of all documents, including bills, invoices, statements, or correspondence, itemizing the amounts of time spent in preparing the complainant's case to date and continuing, any amounts billed for same, and any responses thereto.

### BASIS OF DISCRIMINATION

1. Produce any and all documents in the possession, custody or control of the complainant or his/her agents or representatives that establish or tend to establish that the PERSONNEL ACTION referenced in EEO Complaint NUMBER was based on [age, race, sex, etc.].

2. Produce any and all documents that refute or tend to refute that the PERSONNEL ACTION referenced in EEO Complaint NUMBER was based on [age, race, sex, etc.].

## COMMUNICATIONS

1. Produce any and all documents in the possession, custody, or control of the complainant or his/her agents or representatives which relate in any way to any meetings, conversations, telephone discussions or other communications between the complainant and any employees, agents, or representatives of the agency, which in any way pertain to the allegations in EEO Complaint NUMBER, whether or not they would support complainant's position, including, but not limited to, any reports, diaries, handwritten notes, typewritten notes or any other writings, whether in draft or in final form, whether signed or unsigned, tape or voice recordings, or other documents as defined in this Request.
2. Produce copies of all tapes (edited or unedited) of any conversations, discussions, and meetings in the agency offices taken in connection with the subject matter of the instant complaint.
3. Produce copies of all tape recordings of conversations concerning any aspect of complainant's employment with the agency.
4. Produce copies of all correspondence between complainant and agency, or any person currently or formerly employed by the agency, relating to this case.
5. Produce copies of all notes complainant or anyone of his behalf took of discussions with management officials and/or coworkers in the agency offices that in any way relate to the allegations in EEO Complaint NUMBER.
6. Produce all documents which relate or refer to any meetings, discussions, conversations, correspondence or communications between or among any present or former employee, agent or management representative of the agency concerning this case, including without limitation all letters, memoranda, correspondence, diaries, logs, calendars and notes.
7. Produce any e-mails, notes, memoranda, documents, drafts, meeting records, reports, statements, investigative findings and other documents or communications from DATE to the present that express any opinion of any of the witnesses listed in response to Interrogatory NUMBER or that relate to any action or intent to take any action regarding the complainant's ethics, professional reputation, qualifications as an employee of the agency.
8. Produce any e-mails, notes, memoranda, documents, drafts, meeting records, reports, statements, investigative findings, work diaries, journals and other documents or communications regarding the allegations made in EEO Complaint NUMBER, including:
  - a. all email and other correspondence concerning complainant exchanged from DATE to the present between NAMES;
  - b. all email and other correspondence exchanged from DATE to the present between NAMES or any other employee of the agency;
  - c. all email and other correspondence from DATE to the present concerning complainant generated or received by any of the witnesses listed in the complainant's preliminary witness list.
9. Produce any e-mails, notes, memoranda, documents, drafts, meeting records, reports, statements, investigative findings and other documents or communications created by, received by or copied to any of the witnesses identified in response to Interrogatory NUMBER, above, that concern:
  - a. the complaints filed by complainant or the subject of his/her complaints;
  - b. performance of complainant after DATE;
  - c. decisions to detail, reassign, promote, assign specific work assignments, approve (or disapprove) requests for reasonable time or leave (including decisions regarding other agency employees who

were granted details, etc. that show these employees were treated more favorably).

## **COMPARABLE EMPLOYEES—SIMILARLY SITUATED**

1. If in response to Interrogatory NUMBER, you have identified any employees whom you believe were treated differently than you, produce any and all documents in the possession, custody or control of you or your agents or representatives that relate to that treatment.

## **CRIMES**

1. If in response to Interrogatory NUMBER, you have indicated that you have been charged with or convicted of a crime in the past [three, five, 10] years, produce any and all documents in your possession, custody or control that relate to each charge or conviction.

## **DAMAGES**

### **AMOUNT**

1. Produce any and all documents that quantify or attempt to quantify the amount of nonpecuniary damages you seek for emotional distress, humiliation, embarrassment, loss of enjoyment of life, etc., including but not limited to, any EEOC guidance or case law you rely upon in quantifying the amount of damages.
2. Produce any and all documents that substantiate or tend to substantiate your request for DOLLAR AMOUNT in pecuniary damages, including but not limited, to any medical or prescription bills, job-hunting expenses, moving expenses, child-care expenses, or any other out-of-pocket harm you claim to have suffered as a result of the agency's alleged discrimination.

### **CAUSATION**

1. Please provide any and all documents, including, but not limited to, doctor's records or affidavits or psychiatrist or psychologists records or affidavits concerning any medical condition or psychological affect which may have been caused or exacerbated by your employment with the agency.

### **GENERAL**

1. Produce copies of all documents that support complainant's itemization of his/her claim for damages.
2. Produce copies of all documentation related to complainant's claims for compensatory damages.
3. Produce copies of all documents that reflect, refer to, or relate to any monetary relief that complainant is seeking through this complaint.
4. Produce copies of all documents in complainant's possession, custody, or control that pertain to complainant's claim for compensatory damages based on complainant's discrimination claims.
5. Produce copies of all documentation that supports complainant's claim for damages (including compensatory damages) not previously provided in response to these requests.
6. Provide all documents, including, but not limited to, bills, receipts and canceled checks upon which you rely to establish your claim for economic, equitable, compensatory, or any other damages.
7. Produce any and all documents in the possession, custody, or control of the complainant or his/her agents or representatives upon which complainant intends to rely in proving entitlement to the relief or damages demanded in the Complaint including, but not limited to, documents which identify, specify, or describe the nature and type of actual damages incurred by complainant, as well as any documents which compute, calculate, estimate, or describe the amount of actual damages allegedly suffered by the

complainant.

8. Regarding complainant's claim for compensatory damages, produce copies of all documents, if any, that pertain to complainant's:
  - 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.

### **IDENTIFICATION OF HARM**

1. Produce any and all documents in the possession, custody, or control of the complainant that describe, diagnose or otherwise relate to any injury or condition that the complainant claims to have suffered as a result of the agency's alleged discrimination, including but not limited to, the cause, nature, severity, and duration of the injury or condition.

### **MITIGATION**

1. Produce copies of all documents which complainant has submitted since his/her [removal, separation, resignation, retirement] from the agency in search of employment.
2. Produce copies of all documents showing wages or salary earned or received by complainant since his employment with the agency ended.
3. Produce copies of all termination or removal notices which complainant received as to any employment held by complainant other than with the agency.
4. Produce any and all documents in the possession, custody, or control of the complainant or his/her agents or representatives which refer or relate in any way to any and all attempts by the complainant to obtain employment (including self-employment) since the date on which his/her employment with the agency ended.
5. Produce any and all documents in the possession, custody, or control of the complainant or his/her agents or representatives which refer or relate in any way to all income received by the complainant from any source since the date on which his/her employment with the agency ended, including but not limited to all state and federal income tax returns, W-2 forms, and 1099 forms.

### **PECUNIARY**

1. Produce any and all billing statements, invoices, receipts, insurance provider statements, or other records or documents for any pecuniary (out-of-pocket) expense that you claim as damages including, but not limited to, hospital bills, inpatient or outpatient treatment facility bills, health care provider bills, and prescription or non-prescription medications.

### **OTHER OR PAST CONDITIONS; PAST TREATMENT**

1. Produce any and all documents in the complainant's possession, custody or control that describe,