

Eric Sanders

From: ecf_bounces@nyed.uscourts.gov
Sent: Monday, August 08, 2011 10:33 AM
To: nobody@nyed.uscourts.gov
Subject: Activity in Case 1:10-cv-05238-RJD-CLP Lawson v. City of New York et al Motion to Compel

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U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered by Sanders, Eric on 8/8/2011 at 10:33 AM EDT and filed on 8/8/2011

Case Name: Lawson v. City of New York et al
Case Number: 1:10-cv-05238-RJD-CLP
Filer: Debra Lawson
Document Number: 16

Docket Text:

First MOTION to Compel by Debra Lawson. (Sanders, Eric)

1:10-cv-05238-RJD-CLP Notice has been electronically mailed to:

Daniel Chiu dchiu@law.nyc.gov

Eric Sanders esanders@thesandersfirm.com

1:10-cv-05238-RJD-CLP Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP NYEDStamp_ID=875559751 [Date=8/8/2011] [FileNumber=6243641-0] [c0a3c50104de7ef3bab143fde7c52919e30374abd7b3b5f2828747862d73a44b0038a3

38d4b5a9a3bf68c7f65ab539ace70465223321fc603555cceedfc546dfe]]



—THE
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August 8, 2011

Magistrate Judge Cheryl L. Pollack
United States Magistrate Judge
United States District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, N.Y. 11201

Re: Debra Lawson v. City of New York, et al., Docket
No.: 10 cv 5238 (RD)(CLP)

Dear Magistrate Judge Pollack:

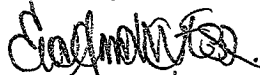
We represent the plaintiff in the above referenced matter. From the outset of this litigation, defendants' CITY; JAMES COAN; DANIEL DAVIN and PATRICK ACRI has continued to refuse to turn over relevant documents in their possession, we have no other choice but to motion this Court to compel the production of those relevant documents.

On April 10, 2011, plaintiff served her First Request for the Production of Documents. (Exhibit 1). On June 10, 2011, defendants' CITY; JAMES COAN; DANIEL DAVIN and PATRICK ACRI finally served their usual "everything is overbroad and not relevant" Responses to Plaintiff's First Request for the Production of Documents. (Exhibit 2). During each successive Court appearance I tried to work out our differences to no avail. On July 5, 2011, I sent defendants' an email again attempting to work out an agreement regarding Request Nos.: 13, 14-16 and 19-22, because they contain demands from the plaintiff's point of view regarding unfair assignments, personnel changes, training, unfair discipline and the handling of EEO investigations that may support her allegations of race and gender discrimination. (Exhibit 3). On July 8, 2011, 2011, defendants' responded in the same cursory fashion. (Exhibit 3). I responded that I will explain it to the Magistrate Judge. (Exhibit 3). However, I delayed notifying the Court because I had a subsequent discussion with Mr. Chiu. In that discussion, Mr. Chiu told me that he was to discuss the issue with his supervisor. I never received a return call or any other form of communication from Mr. Chiu. Plaintiff has tried in good faith to resolve the outstanding discovery issue to no avail.

Therefore, plaintiff respectfully requests that the Court compels defendants' CITY; JAMES COAN; DANIEL DAVIN and PATRICK ACRI to turn over relevant documents pursuant to Request Nos.: 13-22.

The Court is thanked in advance for its consideration of the plaintiff's motion.

Sincerely,



Eric Sanders (ES0224)

cc: Assistant Corporation Counsel Daniel Chiu, Esq.

EXHIBIT 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
DEBRA LAWSON

Plaintiff,

-against-

**PLAINTIFF'S FIRST
REQUEST FOR THE
PRODUCTION OF
DOCUMENTS**

THE CITY OF NEW YORK and JAMES COAN, as
Captain, formerly assigned to the Organized Crime
Control Bureau's Firearm Suppression Unit; DANIEL
DANIEL DAVIN, as Lieutenant, Organized Crime Control
Bureau's Firearm Suppression Unit; and PATRICK ACRI,
as Sergeant, formerly assigned to Organized Crime Control
Crime Bureau's Firearm Suppression Unit, being sued
Individually and in his official capacity as an employee of
Defendant THE CITY OF NEW YORK

10 cv 5238

Chief Judge Raymond Dearie

Defendants'
-----X

Plaintiff DEBRA LAWSON by her attorney THE SANDERS FIRM, P.C., hereby
submits her first request for the production of documents.

PLEASE TAKE NOTICE that, pursuant to Rules 33 and 34 of the Federal Rules of Civil
Procedure, and local rules of the United States District Court, Eastern District of New York,
Plaintiff hereby demands that Defendants respond separately and in writing under oath, the
requests for documents set forth below, within thirty days after service of these Requests.

All requests shall be deemed to be addressed to all of the Defendants, and all answers
shall reflect the cumulative knowledge of the Defendants, their servants, agents, and employees.
In answering, Defendant is requested to identify, specifically and in a form suitable for use in a
subpoena, all documents, records or other written material containing, setting forth or pertaining
to the information provided in answering or in the alternative attach copies of such materials.

These requests shall be deemed to continue beyond the date when Defendants serves their
responses upon Plaintiff and Defendants shall supplement its responses if any further knowledge,
information, or documents are acquired by Defendants, their agents, representatives or attorneys,
subsequent to the date of the original responses.

**THE RELEVANT TIME PERIOD OF THESE REQUESTS IS JANUARY 1, 2005,
THROUGH DECEMBER 31, 2010**

INSTRUCTIONS FOR RESPONSES TO REQUESTS FOR DOCUMENTS

A. The responses to these requests for documents shall set forth each question in full before identifying each document in the answer. Separate answers shall be provided in response to each request, and, when a request has subdivisions each subdivision. In accordance with Rule 34 of the Federal Rules of Civil Procedure, Defendants' responses to these requests must be signed by the Defendants' providing the responses to the requests.

B. Defendants are to produce the documents requested, or a true, complete and legible copy thereof, at the office of the undersigned if the documents are in the possession, custody or control of Defendants' or Defendants' attorney. Defendants' are to provide the undersigned with the appropriate releases for any documents requests that requested that are not in such possession, custody or control.

C. The term "document" is used in its customarily broad sense and includes all written, typed, printed, recorded or other graphic statements, communications or however produced or reproduced.

DOCUMENT REQUESTS

1. All documents with reference to or written policies, procedures and guidelines related to Defendants' THE CITY OF NEW YORK; JAMES COAN; DANIEL DAVIN; and PATRICK ACRI, computers, computer systems, servers, electronic data and electronic media including, but not limited to, the following:

- a. Backup tape rotation schedules;
- b. Electronic data retention, preservation and destruction schedules;
- c. Employee use policies of company computers, data, and other technology;
- d. File naming conventions and standards;
- e. Password, encryption and other security protocols;
- f. Diskette, CD, OVID, and other removable media labeling standards;
- g. Email storage conventions (i.e., limitations on mailbox sizes/storage locations, schedule and logs for storage, etc.);
- h. Electronic media deployment, allocation and maintenance procedures for new employees, current employees or departed employees;
- i. Software and hardware Software and hardware upgrades (including patches) from January 1, 2005, through December 31, 2010, (who and what organization conducted such upgrades); and
- j. Personal or home computer usage for work-related activities.

2. Organization charts for MISD from January 1, 2005, through December 31, 2010.
3. Backup tapes containing email and other electronic data related to this amended complaint from January 1, 2005, through December 31, 2010.
4. Exact copies (i.e., bit-by-bit mirror image copies) of all hard drives on the desktop computers, laptop computers, notebook computers, personal digital assistant computers, servers, and other electronic media related to this action from January 1, 2005, through December 31, 2010.
5. Exact copies of all relevant disks, CDs, DVDs and other removable media related to this action from January 1, 2005, through December 31, 2010.
6. All documents that contain or otherwise relate to the facts or information that THE CITY OF NEW YORK; JAMES COAN; DANIEL DAVIN; and PATRICK ACRI contend refute, in any way, the allegations contained in the amended complaint.
7. All reports, including drafts, submitted by any expert witness or potential expert witness retained or consulted by THE CITY OF NEW YORK; JAMES COAN; DANIEL DAVIN; and PATRICK ACRI with respect to the issues raised in this case.
8. Backup tapes containing email and other electronic data from THE CITY OF NEW YORK; JAMES COAN; DANIEL DAVIN; and PATRICK ACRI'S computers, computer systems, servers from January 1, 2005, through December 31, 2010.
9. Exact copies (i.e., bit-by-bit mirror image copies) of all hard drives on the desktop computers, laptop computers, notebook computers, personal digital assistant computers, servers, and other electronic media from THE CITY OF NEW YORK; JAMES COAN; DANIEL DAVIN; and PATRICK ACRI'S computers, computer systems, servers, from January 1, 2005, through December 31, 2010.
10. Exact copies of all relevant disks, CDs, DVDs and other removable media from THE CITY OF NEW YORK; JAMES COAN; DANIEL DAVIN; and PATRICK ACRI'S computers, computer systems, servers related to Document Request Nos.: 8, and 9, from January 1, 2005, through December 31, 2010.
11. Exact copies of all business and personal cellular telephones records including text messages from THE CITY OF NEW YORK; JAMES COAN; DANIEL DAVIN; and PATRICK ACRI from January 1, 2005, through December 31, 2010.
12. Produce all documents (meaning UNREDACTED or otherwise unaltered), tapes, recordings, photographs, videotapes, electronically stored items or otherwise concerning the allegations in the amended complaint.
13. Provide copies of Plaintiff's and Defendants' JAMES COAN; DANIEL DAVIN;

and PATRICK ACRIS entire UNREDACTED personnel file maintained by Defendants' THE CITY OF NEW YORK.

14. Provide UNREDACTED copies of the any and all Department logs or "Blotters" maintained by the Firearm Suppression Unit from January 1, 2005 through December 31, 2010.

15. Provide UNREDACTED copies of the "Scratch" and "Finalized" Roll Calls including "Change Sheets" maintained by Firearm Suppression Unit from January 1, 2005 through December 31, 2010.

16. Provide UNREDACTED copies of the "Training" documents maintained by the Firearm Suppression Unit (segmented by race and approving supervisor's race) from January 1, 2005 through December 31, 2010.

17. Provide UNREDACTED copies of the "Tactical Plan" documents maintained by the Firearm Suppression Unit (segmented by race and approving supervisor's race) from January 1, 2005 through December 31, 2010.

18. Provide copies of each and every document, letter, memorandum or other communication, recording or document made, sent or received, regardless of the media in which it is recorded, in the possession and control of Defendant THE CITY OF NEW YORK with regard to any complaints made by the Plaintiff regarding discrimination and/or allegations of corruption or serious misconduct (segmented by the investigator's race and findings) from January 1, 2005 through December 31, 2010.

19. Provide copies of each and every document, letter, memorandum or other communication, recording or document made, sent or received, regardless of the media in which it is recorded, in the possession and control of Defendant THE CITY OF NEW YORK with regard to any complaints made by any other minority officer assigned to the Organized Crime Control Bureau regarding discrimination and/or allegations of corruption or serious misconduct (segmented by race, investigator's race and findings) from January 1, 2005 through December 31, 2010.

20. Provide UNREDACTED copies of "Union Grievance" documents maintained by Defendant THE CITY OF NEW YORK regarding assignment as an "undercover" to the Organized Crime Control Bureau (segmented by race, investigator's race and findings) from January 1, 2005 through December 31, 2010.

21. Provide copies of each and every document, letter, memorandum or other communication, recording or document made, sent or received, regardless of the media in which it is recorded, in the possession and control of the Firearm Suppression Unit regarding discretionary promotions to Detective Third, Second and First that were appointed (segmented by race) from January 1, 2005 through December 31, 2010. This information must include the race of the lead evaluator handling their case as well as the corresponding data (files, information, reports, etc.) that was used to assess and appoint the employee to the discretionary appointment.

22. Provide copies of each and every document, letter, memorandum or other communication, recording or document made, sent or received, regardless of the media in which it is recorded, in the possession and control of the Firearm Suppression Unit regarding discretionary promotions to Detective Third, Second and First that were not appointed (segmented by race) from January 1, 2005 through December 31, 2010. This information must include the race of the lead evaluator handling their case as well as the corresponding data (files, information, reports, etc.) that was used to assess and not appoint the employee to the discretionary appointment.

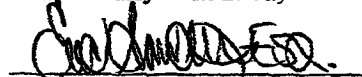
23. Provide copies of all documents provided to the New York State Division of Human Rights and the United States Equal Employment Opportunity Commission (EEOC) in response to Plaintiff's Charge of Discrimination filed.

24. To the extent not previously requested, provide copies of all documents Defendants' THE CITY OF NEW YORK; JAMES COAN; DANIEL DAVIN; and PATRICK ACRI intend to use in this litigation.

Dated: April 10, 2011
New York, NY

Respectfully submitted,

By:



Eric Sanders (ES0224)

Eric Sanders, Esq.

THE SANDERS FIRM, P.C.

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EXHIBIT 2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DEBRA LAWSON,

Plaintiff,

-against-

THE CITY OF NEW YORK and JAMES COAN, as
Captain, formerly assigned to the Organized Crime Control
Bureau's Firearm Suppression Unit; DANIEL DANIEL
DAVIN, as Lieutenant, Organized Crime Control Bureau's
Firearm Suppression Unit; and PATRICK ACRI; as
Sergeant, formerly assigned to Organized Crime Control
Crime Bureau's Firearm Suppression Unit, being sued
Individually and in his official capacity as an employee of
Defendant THE CITY OF NEW YORK,

Defendants.

**DEFENDANTS'
OBJECTIONS AND
RESPONSES TO
PLAINTIFF'S FIRST
REQUEST FOR
DOCUMENTS**

Docket No. 10 CV 5238
(RJD)(CLP)

Defendants the City of New York, James Coan, Daniel Davin, and Patrick Acri
(collectively, "Defendants"), by their attorney, Michael A. Cardozo, Corporation Counsel of the
City of New York, hereby respond, pursuant to Fed. R. Civ. P. 26, 34, and the Local Rules of
this Court, to Plaintiff's First Requests for Documents ("Plaintiff's Requests") as follows:

GENERAL STATEMENT

1. By responding to any request, Defendants do not concede the materiality
of the subject to which it refers. Defendants' responses are made expressly subject to, and
without waiving or intending to waive, any questions, or objections as to the competency,
relevancy, materiality, privilege, or admissibility as evidence or for any other purpose, of any of
the documents or information produced, or of the subject matter thereof, in any proceeding
including the trial of this action or any subsequent proceeding.

2. Defendants object to Plaintiff's Requests to the extent that they demand documents and/or information which are protected by the attorney-client, work-product, or any other applicable privilege, or which constitute material prepared for litigation purposes.

3. Inadvertent production of any document or information which is privileged, was prepared in anticipation of litigation, or is otherwise immune from discovery, shall not constitute a waiver of any privilege or of another ground for objecting to discovery with respect to that document or any other document, or its subject matter, or the information contained therein, or of defendant(s)'s right to object to the use of any such document or the information contained therein during any proceeding in this litigation or otherwise.

4. Defendants object to Plaintiff's Requests to the extent that they seek to require Defendants to provide documents relating to matters that are not raised in Plaintiff's Complaint and are neither relevant to this proceeding nor relevant to the claim or defense of any party.

5. Defendants object to Plaintiff's Requests to the extent that they are unreasonably duplicative or cumulative or result in annoyance, embarrassment, oppression, or undue burden or expense to Defendants.

6. Defendants object to Plaintiff's Requests to the extent that they seek to impose obligations on Defendants in excess of those established by the Federal Rules of Civil Procedure and the Local Rules of the Court.

7. Defendants object to Plaintiff's Requests to the extent that they seek documents and/or information that is no longer in the possession, custody or control of Defendants.

8. Defendants object in the entirety to any request for information or production from entities not represented by the Corporation Counsel of the City of New York.

9. The foregoing objections are hereby incorporated into each and every response set forth below.

OBJECTIONS TO INSTRUCTIONS

10. Defendants object to the Instructions contained in Plaintiff's Requests to the extent that they result in requests that impose any requirement on Defendants in excess of those obligations established by the Federal Rules of Civil Procedure and the Local Rules of this Court.

11. Discovery in this matter is continuing. Accordingly, pursuant to the Federal Rules of Civil Procedure, Defendants reserve the right to supplement or otherwise modify their response to these requests.

OBJECTIONS AND RESPONSES TO DOCUMENT REQUESTS

DOCUMENT REQUEST NO. 1:

All documents with reference to or written policies, procedures and guidelines related to Defendants' THE CITY OF NEW YORK; JAMES COAN; DANIEL DAVIN; and PATRICK ACRI, computers, computer systems, servers, electronic data and electronic media including, but not limited to, the following:

- a. Backup tape rotation schedules;
- b. Electronic data retention, preservation and destruction schedules;
- c. Employee use policies of company computers, data, and other technology;
- d. File naming conventions and standards;
- e. Password, encryption and other security protocols;
- f. Diskette, CD, OVID, and other removable media labeling standards;
- g. Email storage conventions (i.e., limitations on mailbox sizes/storage locations, schedule and logs for storage, etc.);
- h. Electronic media deployment, allocation and maintenance procedures for new employees, current employees or departed employees;
- i. Software and hardware Software and hardware upgrades (including patches) from January 1, 2005, through December 31, 2010, (who and what organization conducted such upgrades); and
- j. Personal or home computer usage for work-related activities.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 1:

Defendants object to this request on the grounds it is overbroad with respect to time and scope, unduly burdensome, and seeks documents that are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

DOCUMENT REQUEST NO. 2:

Organization charts for MISD from January 1, 2005, through December 31, 2010.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 2:

Defendants object to this request on the grounds it seeks documents that are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

DOCUMENT REQUEST NO. 3:

Backup tapes containing email and other electronic data related to this amended complaint from January 1, 2005, through December 31, 2010.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 3:

Defendants object to this request on the grounds it is overbroad with respect to scope, vague and ambiguous with respect to the term "other electronic data related to this complaint," unduly burdensome, and seeks documents that are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

DOCUMENT REQUEST NO. 4:

Exact copies (i.e., bit-by-bit mirror image copies) of all hard drives on the desktop computers, laptop computers, notebook computers, personal digital assistant computers, servers, and other electronic media related to this action from January 1, 2005, through December 31, 2010.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 4:

Defendants object to this request on the grounds it is overbroad with respect to scope, vague and ambiguous with respect to the term "other electronic media related to this action," unduly burdensome, and seeks documents that are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

DOCUMENT REQUEST NO. 5:

Exact copies of all relevant disks, CDs, DVDs and other removable media related to this action from January 1, 2005, through December 31, 2010.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 5:

Defendants object to this request on the grounds it is overbroad with respect to scope, vague and ambiguous with respect to the term "relevant disks, CDs, DVDs and other removable media related to this action," unduly burdensome, and seeks documents that are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

DOCUMENT REQUEST NO. 6:

All documents that contain or otherwise relate to the facts or information that THE CITY OF NEW YORK; JAMES COAN; DANIEL DAVIN; and PATRICK ACRI contend refute, in any way, the allegations contained in the amended complaint.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 6:

Defendants object to this request on the grounds it is overbroad with respect to scope, vague and ambiguous with respect to the term "otherwise relate to the facts or information that THE CITY OF NEW YORK; JAMES COAN; DANIEL DAVIN; and PATRICK ACRI contend refute, in any way, the allegations contained in the complaint," and seeks documents that

may be protected by the attorney-client, attorney work-product, or any other applicable privilege, and are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding and without waiving these objections, plaintiff is referred to the documents produced herewith numbered D0001-190.

DOCUMENT REQUEST NO. 7:

All reports, including drafts, submitted by any expert witness or potential expert witness retained or consulted by THE CITY OF NEW YORK; JAMES COAN; DANIEL DAVIN; and PATRICK ACRI with respect to the issues raised in this case.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 7:

Defendants are not in possession, custody, or control of any documents responsive to this request.

DOCUMENT REQUEST NO. 8:

Backup tapes containing email and other electronic data from THE CITY OF NEW YORK; JAMES COAN; DANIEL DAVIN; and PATRICK ACRI'S computers, computers systems, servers from January 1, 2005, through December 31, 2010.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 8:

Defendants object to this request on the grounds it is overbroad with respect to scope, vague and ambiguous with respect to the term "other electronic data," unduly burdensome, and seeks documents that are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

DOCUMENT REQUEST NO. 9:

Exact copies (i.e., bit-by-bit mirror image copies) of all hard drives on the desktop computers, laptop computers, notebook computers, personal digital assistant computers, servers, and other electronic media from THE CITY OF NEW YORK; JAMES COAN; DANIEL DAVIN; and PATRICK ACRI'S computers, computer systems, servers, from January 1, 2005, through December 31, 2010.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 9:

Defendants object to this request on the grounds it is overbroad with respect to scope, unduly burdensome, and seeks documents that may be protected by the attorney-client, attorney work-product, or any other applicable privilege, and are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

DOCUMENT REQUEST NO. 10:

Exact copies of all relevant disks, CDs, DVDs and other removable media from THE CITY OF NEW YORK; JAMES COAN; DANIEL DAVIN; and PATRICK ACRI'S computers, computer systems, servers related to Document Request Nos.: 8, and 9, from January 1, 2005, through December 31, 2010.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 10:

Defendants object to this request on the grounds it is overbroad with respect to scope, unduly burdensome, vague and ambiguous with respect to the term "other removable media," and seeks documents that are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

DOCUMENT REQUEST NO. 11:

Exact copies of all business and personal cellular telephones records including text messages from THE CITY OF NEW YORK; JAMES COAN; DANIEL DAVIN; and PATRICK ACRI from January 1, 2005, through December 31, 2010.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 11:

Defendants object to this request on the grounds it is overbroad with respect to scope, unduly burdensome, and seeks confidential and private information that may unnecessarily impede on the privacy of the individuals identified in this request, and documents that are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

DOCUMENT REQUEST NO. 12:

Produce all documents (meaning UNREDACTED or otherwise unaltered), tapes, recordings, photographs, videotapes, electronically stored items or otherwise concerning the allegations in the amended complaint.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 12:

Defendants object to this request on the grounds it is overbroad with respect to scope, vague and ambiguous with respect to the term "concerning the allegations in the amended complaint," and seeks documents that are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding and without waiving these objections, plaintiff is referred to the documents produced herewith numbered D0001-190.

DOCUMENT REQUEST NO. 13:

Provide copies of Plaintiff's and Defendants' JAMES COAN; DANIEL DAVIN; and PATRICK ACRI'S entire UNREDACTED personnel file maintained by Defendants' THE CITY OF NEW YORK.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 13:

Defendants object to this request on the grounds it is overbroad with respect to scope, seeks confidential and private information that may unnecessarily impede on the privacy of the individuals identified in response to this request and may be protected by federal laws concerning informational privacy, and seeks documents that are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence. Defendants further object to this request on the grounds that it calls for the production of documents that are protected from disclosure by Civil Rights Law Section 50(a).

Notwithstanding and without waiving these objections, plaintiff is referred to the documents produced herewith numbered D0001-36.

DOCUMENT REQUEST NO. 14:

Provide UNREDACTED copies of the any and all Department logs or "Blotters" maintained by the Firearm Suppression Unit from January 1, 2005 through December 31, 2010.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 14:

Defendants object to this request on the grounds it is overbroad with respect to scope, unduly burdensome, and seeks documents that are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

DOCUMENT REQUEST NO. 15:

Provide UNREDACTED copies of the "Scratch" and "Finalized" Roll Calls including "Change Sheets" maintained by Firearm Suppression Unit from January 1, 2005 through December 31, 2010.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 15:

Defendants object to this request on the grounds it is overbroad with respect to scope, unduly burdensome, and seeks documents that are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

DOCUMENT REQUEST NO. 16:

Provide UNREDACTED copies of the "Training" documents maintained by the Firearm Suppression Unit (segmented by race and approving supervisor's race) from January 1, 2005 through December 31, 2010.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 16:

Defendants object to this request on the grounds it is overbroad with respect to scope, vague and ambiguous with respect to the term "'training' documents" and seeks documents that are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

DOCUMENT REQUEST NO. 17:

Provide UNREDACTED copies of the "Tactical Plan" documents maintained by the Firearm Suppression Unit (segmented by race and approving supervisor's race) from January 1, 2005 through December 31, 2010.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 17:

Defendants object to this request on the grounds it is overbroad with respect to scope, unduly burdensome, and seeks documents that are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

DOCUMENT REQUEST NO. 18:

Provide copies of each and every document, letter, memorandum or other communication, recording or document made, sent or received, regardless of the media in which it is recorded, in the possession and control of Defendant THE CITY OF NEW YORK with regard to any complaints made by the Plaintiff regarding discrimination and/or allegations of corruption or serious misconduct (segmented by the investigator's race and findings) from January 1, 2005 through December 31, 2010.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 18:

Defendants object to this request on the grounds it is overbroad with respect to scope, and seeks documents that may be protected by the attorney-client, attorney work-product, investigative, law enforcement, or any other applicable privilege, and are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding and without waiving these objections, plaintiff is referred to the documents produced herewith numbered D0039-190.

DOCUMENT REQUEST NO. 19:

Provide copies of each and every document, letter, memorandum or other communication, recording or document made, sent or received, regardless of the media in which it is recorded, in the possession and control of Defendant THE CITY OF NEW YORK with

regard to any complaints made by any other minority officer assigned to the Organized Crime Control Bureau regarding discrimination and/or allegations of corruption or serious misconduct (segmented by race, investigator's race and findings) from January 1, 2005 through December 31, 2010.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 19:

Defendants object to this request on the grounds it is overbroad with respect to scope, unduly burdensome, and seeks documents that are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

DOCUMENT REQUEST NO. 20:

Provide UNREDACTED copies of "Union Grievance" documents maintained by Defendant THE CITY OF NEW YORK regarding assignment as an "undercover" to the Organized Crime Control Bureau (segmented by race, investigator's race and findings) from January 1, 2005 through December 31, 2010.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 20:

Defendants object to this request on the grounds it is overbroad with respect to scope, unduly burdensome, and seeks documents that are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

DOCUMENT REQUEST NO. 21:

Provide copies of each and every document, letter, memorandum or other communication, recording or document made, sent or received, regardless of the media in which it is recorded, in the possession and control of the Firearm Suppression Unit regarding discretionary promotions to Detective Third, Second and First that were appointed (segmented by race) from January 1, 2005 through December 31, 2010. This information must include the

race of the lead evaluator handling their case as well as the corresponding data (files, information, reports, etc.) that was used to assess and appoint the employee to the discretionary appointment.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 21:

Defendants object to this request on the grounds it is overbroad with respect to scope, unduly burdensome, and seeks documents that are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

DOCUMENT REQUEST NO. 22:

Provide copies of each and every document, letter, memorandum or other communication, recording or document made, sent or received, regardless of the media in which it is recorded, in the possession and control of the Firearm Suppression Unit regarding discretionary promotions to Detective Third, Second and First that were not appointed (segmented by race) from January 1, 2005 through December 31, 2010. This information must include the race of the lead evaluator handling their case as well as the corresponding data (files, information, reports, etc.) that was used to assess and not appoint the employee to the discretionary appointment.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 22:

Defendants object to this request on the grounds it is overbroad with respect to scope, unduly burdensome, and seeks documents that are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

DOCUMENT REQUEST NO. 23:

Provide copies of all documents provided to the New York State Division of Human Rights and the United States Equal Employment Opportunity Commission (EEOC) in response to Plaintiff's Charge of Discrimination filed.

OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 23:

Defendant objects to this request on the grounds is overbroad with respect to scope, and seeks documents that may be protected by the attorney-client, attorney work-product, or any other applicable privilege, and are not relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence.

Notwithstanding and without waiving these objections, plaintiff is referred to the documents produced herewith numbered D0039-90.

DOCUMENT REQUEST NO. 24:

To the extent not previously requested, provide copies of all documents Defendants' THE CITY OF NEW YORK; JAMES COAN; DANIEL DAVIN; and PATRICK ACRI intend to use in this litigation.

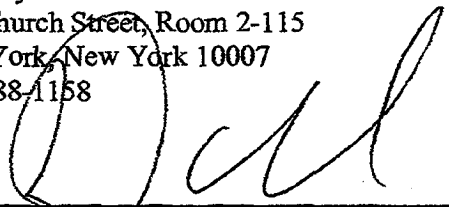
OBJECTION AND RESPONSE TO DOCUMENT REQUEST NO. 24:

Defendants object to this request on the grounds it is overbroad with respect to scope, unduly burdensome, and seeks documents that may be protected by the attorney-client, attorney work-product, or any other applicable privilege.

Notwithstanding and without waiving these objections, plaintiff is referred to the documents produced herewith numbered D0001-190.

Dated: New York, New York
June 10, 2011

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for Defendants
100 Church Street, Room 2-115
New York, New York 10007
212-788-1158

By: 
Daniel Chiu
Assistant Corporation Counsel

To: THE SANDERS FIRM, P.C.
Attorney for Plaintiff
1140 Avenue of the Americas, 9th Floor
New York, New York 10036
800-371-4835

EXHIBIT 3

Eric Sanders

From: Eric Sanders <esanders@thesandersfirmpc.com>
Sent: Saturday, July 09, 2011 10:12 AM
To: 'Chiu, Daniel'
Subject: RE: Lawson v. The City of New York, et al

Importance: High
Sensitivity: Confidential

Good Morning Daniel:

I will bring the dispute to the attention of the Magistrate Judge.

Eric Sanders, Esq.
The Sanders Firm, P.C.
1140 Avenue of the Americas, 9th Floor
New York, NY 10036

(800) 371-4835 (Business Telephone)
(212) 537-9081 (Facsimile)

Website: <http://www.thesandersfirmpc.com>
Twitter: <http://twitter.com/#!/AttyEricSanders>
Facebook Page: <http://www.facebook.com/thesandersfirmpc>

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IRS CIRCULAR 230 DISCLOSURE

To ensure compliance with new requirements of the Internal Revenue Service, we inform you that, to the extent any advice relating to a Federal tax issue is contained in this communication, including in any attachments or embedded files, it was not written or intended to be used, and cannot be used, for the purpose of (a) avoiding any tax related penalties that may be imposed on you or any other person under the Internal Revenue Code, or (b) promoting, marketing or recommending to another person any transaction or matter addressed in this communication.

From: Chiu, Daniel [mailto:dchiu@law.nyc.gov]
Sent: Friday, July 08, 2011 8:13 PM
To: Eric Sanders
Subject: RE: Lawson v. The City of New York, et al
Sensitivity: Confidential

Eric:

Case 1:10-cv-05238-RJD-CLP Document 16 Filed 08/08/11 Page 28 of 29 PageID #: 139
I'll speak to my supervisor about request no. 13 and determine whether any additional documents can be produced. With respect to the remaining requests, I do not understand how request nos. 14, 15, 16, 19, and 20 are relevant to plaintiff's claims. I also do not know what "training" documents are as identified in request no. 16.

Request nos. 21 and 22 are completely overbroad and would impose an undue burden on NYPD. In addition, I do not know what documents plaintiff is seeking when she states "etc."

Kindly contact me if you would like to discuss these matters further.

Dan

Daniel Chiu
Assistant Corporation Counsel
Labor and Employment Law Division
New York City Law Department
100 Church Street, Room 2-115
New York, New York 10007
Tel: (212) 788-1158
Fax: (212) 788-0940
dchiu@law.nyc.gov

From: Eric Sanders [mailto:esanders@thesandersfirm.com]
Sent: Tuesday, July 05, 2011 10:06 AM
To: Chiu, Daniel
Subject: Lawson v. The City of New York, et al
Importance: High
Sensitivity: Confidential

Good Morning Daniel:

I am writing to see if we can reach an agreement about your objections without going to Court. You objected to Document Request No.: 13, from my perspective, that objection is without a legal basis under federal law, CRL 50 (a), is only applicable under state law and therefore, Plaintiff has a right to the Defendants' personnel file; Document Request Nos.: 14-16, 19-22, are relevant and discoverable and would lead to comparator data relative to the issue of assignments, personnel changes, training and the handling of discrimination investigations within the Firearm Suppression Unit.

Eric Sanders, Esq.
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New York, NY 10036

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Twitter: <http://twitter.com/#!/AttvEricSanders>
Facebook Page: <http://www.facebook.com/thesandersfirm.com>

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