

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

<p>JOSEPH SAAD, INDIVIDUALLY, ZIHRA SAAD, INDIVIDUALLY,</p> <p>PLAINTIFFS,</p> <p>- Vs -</p> <p>CITY OF DEARBORN HEIGHTS, ET AL.,</p> <p>DEFENDANTS.</p>	<p>CIVIL CASE No. 2:11-cv-10103</p> <p>PLAINTIFFS' SECOND REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT CITY OF DEARBORN HEIGHTS</p> <p>- HONORABLE PATRICK J. DUGGAN –</p> <p>- MAGISTRATE JUDGE MARK A. RANDON –</p>
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NEMER N. HADOUS

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UNITED STATES COURTS:

- SIXTH CIRCUIT COURT OF APPEALS
- DISTRICT OF ARIZONA
- EASTERN DISTRICT OF MICHIGAN

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**PLAINTIFFS' SECOND REQUEST FOR PRODUCTION OF DOCUMENTS TO
DEFENDANT CITY OF DEARBORN HEIGHTS**

1 Plaintiffs Joseph Saad and Zihra Saad (collectively, "Plaintiffs") by counsel, and pursuant
2 to Fed. R. Civ. P. 26 and Fed. R. Civ. P. 34, submit their Second Request for Production of
3 Documents ("Discovery Requests") to the Defendant City of Dearborn Heights to be answered
4 within (30) days of the date of service hereof.

5 INSTRUCTIONS

6 1. In answering these Discovery Requests, please furnish all information that is
7 available to you including without limitation, information in the possession of your principals,
8 agents, attorneys(s) and accountants, and not merely information known to the personal
9 knowledge of the person(s) preparing the answers.

10 In producing the documents designated below, you are requested to furnish all documents
11 known or available to you regardless of whether a document is currently in your possession
12 custody, or control, or that of your attorneys, employees, agents, investigators, or other
13 representatives, or is otherwise available to you.

14 2. If, for any reason, you are unable to produce in full any document requested:

- 15 (a) Produce each such document to the fullest extent possible.
- 16 (b) Specify the reasons for your inability to produce the remainder.
- 17 (c) State in detail whatever information, knowledge or belief you
18 have concerning the whereabouts and substance of each document
19 not produced in full.

20 3. If any document requested was at one time in existence, but is no longer in
21 existence, please state for each document as to which that is the case:

- 22 (a) The type of document.
- 23 (b) The type of information contained therein.
- 24 (c) The date upon which it ceased to exist.
- 25 (d) The circumstances under which it ceased to exist.
- 26 (e) The identity of all persons having knowledge of the circumstances
27 under which it ceased to exist.
- 28 (f) The identity of all persons having knowledge or who had
29 knowledge of the contents thereof.

1 4. For each document requested which you are unable to produce and which was at
2 any time within your possession, custody or control, or to which you had access at any time,
3 specify in detail:

- 4 (a) The nature of the document (e.g., a letter, memorandum, etc.).
5 (b) The author of the document.
6 (c) All recipients of the document and any copy thereof.
7 (d) A summary of information contained in the document.
8 (e) The date on which you lost, relinquished, or otherwise ceased to
9 have possession, custody, control of, or access to the document.
10 (f) Identify all persons having knowledge of the circumstances
11 whereby you lost, relinquished, or otherwise ceased to have
12 possession, custody, control of, or access to the document.
13 (g) Identify all persons who have or have had knowledge of the
14 document, in full or in part.

15 5. In the event you seek to withhold or do withhold any document in whole or in
16 part, on the basis that it is not subject to discovery, produce a list of all such documents and, as to
17 each such document, state:

- 18 (a) The name of each author, writer, sender or initiator of each such
19 document.
20 (b) The name of each recipient, addressee or party to whom such
21 document was sent to, or intended.
22 (c) The name of each and every person who received a copy of the
23 document
24 (d) The date of the document or, if no date appears on the document,
25 the date the document was prepared.
26 (e) The title of the document, or if it has no title, then such other
27 description of the document and its subject matter as shall be
28 sufficient to identify the document.
29 (f) The grounds claimed for withholding the document from discovery
30 (e.g., the attorney-client privilege, work product, or any other
31 grounds), and the factual basis for such claim.

1 telephone or personal conferences or conversations, interoffice memoranda, computer printouts,
2 microfilm booklets, circulars, prospectuses, studies, notices, projections, computer runs,
3 summaries or analyses of computer runs or any documents necessary to the comprehension or
4 understanding of any designated document, such as code for a computer run, and any published
5 material, and also includes but is not limited to originals, copies (with or without notes or
6 changes thereon), and drafts.

7 C. "Any," "each" and "all" shall be read to be inclusive, and to require the
8 production of each and every document (as hereinafter defined) responsive to the particular
9 request for production in which such term appears.

10 D. "And" as well as "or" and any other conjunctions or disjunctions used herein
11 shall be read both conjunctively and disjunctively so as to require the production of all
12 documents (as hereinafter defined) responsive to all or any part of each particular request for
13 production in which any conjunction or disjunction appears.

14 E. "Person" means an individual, firm, corporation, association, organization or any
15 other entity.

16 F. To "identify" or to "state the identity of" a person means to state his, her or its
17 name and last known business address and telephone number, and if a natural person, his or her
18 last known residence address and telephone number.

19 G. To "identify" or to "state the identity of" a document means to state with respect
20 thereto:

- 21 (a) The date of the document, and if it bears no date, the date when it
22 was processed;
- 23 (b) The name of the person who prepared it;
- 24 (c) The name of the person who signed it or over whose name it was
25 issued;
- 26 (d) The name of each person to whom it was addressed or distributed;
- 27 (e) The nature and substance of the document with sufficient
28 particularity to enable it to be identified; and
- 29 (f) The present location of it and the name and address of its custodian
30 or custodians.
- 31

REQUESTS FOR PRODUCTION

You are hereby requested to produce the following:

REQUEST FOR PRODUCTION NO. 22: Produce the booking photographs of Plaintiffs taken after their arrest.

REQUEST FOR PRODUCTION NO. 23: Produce the dispatch recordings and any audio/video recordings taken by Defendant Keller’s police cruiser during the incident giving rise to this cause of action.

REQUEST FOR PRODUCTION NO. 24: Produce any and all liability insurance coverage documents relating to the Defendant City of Dearborn Heights’ membership in the Michigan Municipal Risk Management:

- (a) The Master Agreement;
- (b) Umbrella and/or excess insurance policies;
- (c) The reservation of rights;
- (d) Indemnification policies/documents.

REQUEST FOR PRODUCTION NO. 25: All documents and records relating to any individual Defendant who has been terminated, suspended, removed, laid-off, reduced in rank, reprimanded, disciplined, or warned concerning the use of excessive force or violence, actual or alleged initiation or institution of false and/or malicious charges, arrest or litigation or the veracity of the officers.

1 **REQUEST FOR PRODUCTION NO. 26:** Any and all documentation of each and every citizen
2 complaint, grievance, disciplinary action, internal investigation, and any other claims of
3 misconduct against any or all of the individual Defendants in this matter, whether initiated
4 externally through the filing of a citizen complaint or civil lawsuit, or internally as the result of
5 disciplinary or code of conduct violations, including but not limited to incident reports, witness
6 statements, citizen complaint forms, investigation records and dispositions, pertaining to the use
7 of excessive force or violence, actual or alleged initiation or institution of false and/or malicious
8 charges, arrest or litigation or the veracity of the officers against any or all of the individually
9 named Defendants in this matter.

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12 **REQUEST FOR PRODUCTION NO. 27:** Any and all documentation of training that each individual
13 Defendant received by or through Defendant City of Dearborn Heights from 2005 up to and
14 including June 10, 2010, including but not limited to:

- 15 (a) Arrest procedures;
16 (b) Use of force generally;
17 (c) Use of force to effectuate arrests;
18 (d) Use of pepper spray, mace or any other chemical irritant;
19 (e) Investigations of incidents involving people injured through police action;
20 (f) Medical treatment for injured persons;
21 (g) Report writing.

22 Such documentation should include, but not be limited to, handbooks, manuals, handouts,
23 audio/visual materials, and certificates of completion, acknowledgement forms or other
24 documentation confirming each individual Defendant's participation in any such training.

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27 **REQUEST FOR PRODUCTION NO. 28:** Any and all documentation pertaining to any and all
28 claims against the Defendant City of Dearborn Heights' Police Department or any individual
29 officer alleging excessive force, false arrest, and/or malicious prosecution during the period from
30 2002 through the present, including but not limited to incident reports, witness statements,
31 investigations and dispositions pertaining to all citizen complaints, civil lawsuits, grievances,

1 disciplinary actions, internal investigations, pertaining to the filing and investigation of said
2 claims or complaints pertaining to the use of excessive force or violence, actual or alleged
3 initiation or institution of false and/or malicious charges, arrest or litigation or the veracity of the
4 officers.

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7 **REQUEST FOR PRODUCTION NO. 29:** Any and all policies, procedures, or materials, including
8 but not limited to department manuals, employee manuals, videotapes, memos, documents, email
9 or other computer generated messages, and/or disciplinary policies and procedures that were in
10 effect on or about June 10, 2010, or that was used in the training of police officers or provided to
11 any active duty officer by or through the Defendant City of Dearborn Heights on or about June
12 10, 2010:

- 13 (a) Arrest procedures;
- 14 (b) Use of force generally;
- 15 (c) Use of force to effectuate arrests;
- 16 (d) Use of pepper spray, mace or any other chemical irritant;
- 17 (e) Investigations of incidents involving people injured through police action;
- 18 (f) Medical treatment for injured persons;
- 19 (g) Report writing.

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22 **REQUEST FOR PRODUCTION NO. 30:** Any and all documentation, in the form of
23 acknowledgment forms, signature sheets, receipts, or in any other form, confirming that any
24 members of the Defendant City of Dearborn Heights' Police Department, including the
25 individual Defendants in this matter, received copies of the materials identified in Request No. 8
26 above, during the period from 2005 up through and inclusive of 2010.

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29 **REQUEST FOR PRODUCTION NO. 31:** All documents generated in the normal course of business
30 reflecting disciplinary actions, citizen complaints, and/or prior lawsuit history of Pontiac Police
31 Department officers from 2005 to present pertaining to the use of excessive force or violence,

1 actual or alleged initiation or institution of false and/or malicious charges, arrest or litigation or
2 the veracity of the officers, including but not limited to the following:

- 3 (a) All reports, annual or otherwise, that summarize said history for the entire Pontiac
- 4 Police Department;
- 5 (b) Forms used for processing citizen complaints.

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8 **REQUEST FOR PRODUCTION NO. 32:** Any and all Pontiac Police Department rules, regulations,
9 manuals, and standard operating procedures regarding investigation of citizen complaints or civil
10 lawsuits filed against individual police officers.

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13 **DATED THIS 16TH DAY OF NOVEMBER, 2011,**

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15 **HADOUSCO. |PLLC**

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18 **/S/NEMER N. HADOUS**
 19 **BY:** NEMER N. HADOUS |AZ: 027529 | CA: 264431|
 20 UNITED STATES COURTS:
 21 - SIXTH CIRCUIT COURT OF APPEALS
 22 - DISTRICT OF ARIZONA
 23 - EASTERN DISTRICT OF MICHIGAN
 24 835 MASON STREET, SUITE 150-A
 25 DEARBORN, MICHIGAN 48124
 26 P: (313) 450-0687
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29
30 **ATTORNEY FOR PLAINTIFFS**
31 **JOSEPH SAAD AND ZIHRA SAAD**
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CERTIFICATE OF SERVICE

THE UNDERSIGNED CERTIFIES THAT A COPY OF THE FOREGOING DOCUMENT WAS SERVED UPON THE PARTIES TO THE ABOVE-CAPTIONED MATTER AT THEIR RESPECTIVE ADDRESSES DISCLOSED ON THE PLEADINGS ON **16TH** DAY OF **NOVEMBER 2011** BY:

- X FIRST CLASS MAIL
- X EMAIL

SIGNATURE: /s/NEMER N. HADOUS
NEMER N. HADOUS

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