

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

MAHMOUD SAAD, Individually, And  
ZIHRA SAAD, Individually,

Plaintiffs

- Vs. -

MICHAEL KRAUSE, Individually And In His  
Official Capacity, CITY OF DEARBORN  
HEIGHTS, CITY OF DEARBORN HEIGHTS  
POLICE DEPARTMENT, CITY OF  
DEARBORN, CITY OF DEARBORN  
POLICE DEPARTMENT, And JOHN DOE  
OFFICERS I-XXX,

Defendants.

**CASE NO. 10-cv-12635**

**PLAINTIFFS' FIRST SET OF  
INTERROGATORIES AND REQUESTS  
FOR PRODUCTION OF DOCUMENTS  
TO DEFENDANTS CITY OF DEARBORN  
HEIGHTS AND THE DEARBORN  
HEIGHTS POLICE DEPARTMENT**

**(Honorable Patrick J. Duggan)**

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Dearborn Police Department.*

**PLAINTIFFS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure, Plaintiffs Zihra Saad and Mahmoud Saad (collectively, "Plaintiffs"), through their undersigned counsel hereby request that the Defendants Michael Krause, the City of Dearborn Heights, and the City of Dearborn Heights Police Department (collectively, "Defendants"), each answer the following set of Interrogatories and produce the following designated documents for inspection and copying by Plaintiffs, at the office of Plaintiffs' attorneys, HADOUSCO. PLLC, 16030 Michigan Avenue, Suite 200, Dearborn, Michigan 48126, within thirty days (30) days of the service of this Request. These Interrogatories and Requests for Production of Documents are deemed to be continuing and Defendants have a duty to supplement their responses accordingly.

**INSTRUCTIONS**

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

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

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

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

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

- a. The type of document;
- b. The type of information contained therein;
- c. The date upon which it ceased to exist;

- d. The circumstances under which it ceased to exist;
- e. The identity of all persons having knowledge of the circumstances under which it ceased to exist; and
- f. The identity of all persons having knowledge or who had knowledge of the contents thereof.

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

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

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

- a. The name of each author, writer, sender or initiator of each such document
- b. The name of each recipient, addressee or party to whom such document was sent to, or intended;
- c. The name of each and every person who received a copy of the document
- d. The date of the document or, if no date appears on the document, the date the document was prepared;
- e. The title of the document, or if it has no title, then such other description of the document and its subject matter as shall be sufficient to identify the document; and

f. The grounds claimed for withholding the document from discovery (e.g., attorney-client privilege, work product, or any other grounds), and the factual basis for such claim.

6. Every Interrogatory and Request for Production herein shall be deemed continuing, and Defendant is to supplement its answers promptly if and when Defendant obtains responsive documents, which add to or are in any way inconsistent with Defendant's initial production.

7. If you cannot answer an Interrogatory or its subject thereof in full, provide the most complete response of which you are capable and state each reason why you were unable to completely answer the discovery request or its subpart.

8. In the event the space provided is not sufficient for your answer to any of the following Interrogatories, attach a separate sheet of paper setting forth the question, followed by the additional answering information.

9. All Interrogatories are to be answered within thirty (30) days after service in accordance with the Federal Rules of Civil Procedure.

10. All documents requested herein are to be produced within thirty (30) days after service in accordance with the Federal Rules of Civil Procedure.

#### **DEFINITIONS**

The definitions set forth below shall be used for purposes of interpreting and answering this Request.

A. The "Saad Incident" both means and refers to the events occurring on or about Thursday March 10, 2010 involving Dearborn Heights police officers and Zihra Saad, Mahmoud Saad, and Joseph Saad, which events are the subject matter of this litigation. The "Saad Incident" shall further mean and refer to the allegations and events described in the Plaintiff's Complaint. The Saad Incident further refers to the arrest and subsequent confinement of Joseph Saad.

B. The terms "you" and "your," unless otherwise specified, shall both mean and refer to the City of Dearborn Heights and the Dearborn Heights Police Department (both collectively and individually), their agents, partners, representatives and/or attorneys.

C. The terms "document," "documents," "writing" and "document and tangible thing" shall have the meaning ascribed in Rule 34 of the Federal Rules of Civil Procedure, and

shall refer to any means by which information is recorded or retained, including without limitation, originals, non-identical copies, drafts, electronic or computer data storage, or writings. Writings shall include, without limitation, all materials of any kind including, but not limited to, orders, instructions, directives, regulations, reports, interviews, statements, summaries, complaints, transcripts, memoranda, notes, correspondence and logs. "Documents" also refers to any physical thing containing information or any written, recorded, graphic or other matter, whether produced, reproduced, or stored on paper cards, tapes, discs, belts, charts, film, computer storage devices or any other medium including, but not limited to, matter in the form of books, reports, studies, statements, notebooks, insurance policies, applications, agreements, appointment calendars, trip reports, travel records, working papers, graphs, contacts, memoranda, notes, records, correspondence, diaries, directives, bookkeeping entries, sketches, drawings, blueprints, photographs, pictures, financial statements, schedules, minutes, books of account, bills of lading, freight bills, ledger sheets, accounting records, telegrams, operating statements, balance sheets, pamphlets, budgets, minutes, invoices, receipts, memoranda of telephone or personal conferences or conversations, interoffice memoranda, computer printouts, microfilm booklets, circulars, prospectuses, studies, notices, projections, computer runs, summaries or analyses of computer runs or any documents necessary to the comprehension or understanding of any designated document, such as code for a computer run, and any published material, and also includes but is not limited to originals, copies (with or without notes or changes thereon), and drafts.

D. The term "Internal Affairs Bureau" shall include any department, division, board, committee or file in which police misconduct complaints are lodged, investigated, and/or filed, and/or any department, division, board, or committee which supervises and monitors the conduct of police officers.

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

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

G. "Person" means an individual, firm, corporation, association, organization or any other entity.

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

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

- a. The date of the document, and if it bears no date, the date when it was processed;
- b. The name of the person who prepared it;
- c. The name of the person who signed it or over whose name it was issued;
- d. The name of each person to whom it was addressed or distributed;
- e. The nature and substance of the document with sufficient particularity to enable it to be identified; and
- f. The present location of it and the name and address of its custodian or custodians.

### **INTERROGATORIES**

You are hereby requested to respond to the following:

**INTERROGATORY NO. 1:** List the full name, badge or identification number, present height, weight, date of birth, address, and telephone number for each and every officer who responded to the Saad Incident including without limitation, each and every officer who arrived and/or responded at the Saad's home on the day of the Incident.

**INTERROGATORY NO. 2:** Why did Defendant Michael Krause as well as any of the officers identified in Interrogatory No. 1 above feel it was necessary to use force to gain entry into the Saad's home?

**INTERROGATORY NO. 3:** What is the City of Dearborn Heights and/or the Dearborn Height's Police Department's use of force policy? When responding to this Interrogatory, include copies of all your policy statements and/or directives on the use of force by your police officers.

**INTERROGATORY NO. 4:** Were you ever a defendant in any suit, which charged you, or any of your entities or officers with abuse of your lawful authority? If yes, state for each suit:

- a. the name and address of each plaintiff;
- b. the name and address of each defendant;
- c. the nature of the cause of action;
- d. the date on which the suit was instituted;

- e. the court in which the suit was instituted;
- f. the name and address of the attorney for each party; and
- g. the result of each suit that has been concluded by judgment or settlement.

**INTERROGATORY NO. 5:** If you were ever enjoined from engaging in any conduct by a state or federal court decree, identify the court, title and docket number of the case, date of the decree, and nature of the conduct enjoined.

**INTERROGATORY NO. 6:** Were there in existence at the times of these incidents, internal administrative procedures designed to prevent and correct instances of abuse of the authority of police officers of the Dearborn Heights Police Department? If yes, state:

- a. the nature of such procedures;
- b. the person who is responsible for implementing such procedures;
- c. any charges ever made against you in internal administrative procedure(s), including the names and addresses of all complainants, the nature of the charges, the identity of the person administering the disciplinary proceedings, and the outcome.



**INTERROGATORY NO. 7:** Were you insured during the period of time during which the Saad Incident occurred against judgments of personal liability based on any abuse of your lawful authority, or you a party to any bonding agreement by which you were held free of liability or by which an insurance company will stand as a guarantor or surety in connection with any state judgment based on any abuse of your lawful authority? If yes, state:

- a. the name and address of the insurer;
- b. the name and address of the person or persons who pay(s) the premiums;
- c. the identification number of the policy;
- d. the effective dates of each policy;
- e. the policy limits, or amount of any bond; and
- f. the substance of disclaimers of liability contained in the policy.

**INTERROGATORY NO. 10:** State the names, identification numbers/badges, and/or the applicable identifying information regarding the canine dogs that were used at the Saad residence and list all certifications and/or training received by the canines in connection with or in furtherance of their use by police officers.

## **REQUESTS FOR PRODUCTION**

You are hereby requested to produce the following:

**REQUEST FOR PRODUCTION NO. 1:** Produce any and all documents identified in your answers to the Interrogatories above.

**REQUEST FOR PRODUCTION NO. 2:** Produce any and all documents regarding the Saad Incident and the events described in the Plaintiffs' Complaint including without limitation:

- a. any and all Arrest Reports;
- b. any and all Incident Reports;
- c. any and all Mobile Digital Terminal (MDT) (or similar device) messages, preceding the incident;
- d. any and all Mobile Digital Terminal (MDT) (or similar device) messages after the incident;
- e. any and all radio calls and/or radio or other communication tapes;
- f. any and all Supervisor Logs;
- g. any and all Officer Logs;
- h. any and all Use of Force Reports;
- i. any and all internal memos;
- j. any and all Photographs;
- k. any and all audio or video recordings, particularly audio and/or video recordings taken by the officers' equipment and/or police cruisers;
- l. a list of all relevant physical evidence seized, viewed, or photographed;
- m. mug shots or other photographs of Joseph Saad;
- n. any statements made by the Plaintiffs or by Joseph Saad that you heard, have written, and/or recorded in any form whatsoever;
- o. names and addresses of all witnesses; and
- p. any forms and/or reports required to be kept or maintained by your internal regulations/polices and by local, state, or federal law.

**REQUEST FOR PRODUCTION NO. 3:** Produce your Use of Force Policy (or related/similar policy) and any and all documents and/or directives related to the use of force by your police department and officers.

**REQUEST FOR PRODUCTION NO. 4:** Produce any and all documents that comprise or are part of the personnel file of Defendant Michael Krause, including the disciplinary record, and any other documents in your possession that concern his hiring, training, duties, performance, assignments, and mental and physical condition.

**REQUEST FOR PRODUCTION NO. 5:** Produce any and all documents concerning or at all relevant to any formal or informal complaint made against or about Defendant Michael Krause, from any source and concerning any subject matter.

This includes without limitation:

- a. documents concerning all complaints and other disciplinary or police review of activities listed for Defendant Michael Krause in the file maintained by the Internal Affairs Bureau;
- b. the complete documents concerning each incident listed on the disciplinary record for Defendant Michael Krause;
- c. the complete documents concerning all complaints and other disciplinary or internal police review of activities maintained by the Dearborn Heights Police Department concerning Defendant Michael Krause
- d. all information contained in the computers maintained by the Internal Affairs Bureau of the Dearborn Heights Police Department or any other division of the Dearborn heights Police Department concerning the complaints made against Defendant Michael Krause, including without limitation the information which is retrievable by computer codes.

**REQUEST FOR PRODUCTION NO. 6:** Produce any and all documents that comprise or are part of the personnel file for each and every Dearborn Heights police officer who was involved in the Saad Incident or otherwise identified/named in your answers to the above Interrogatories,

including the disciplinary record, and any other documents in your possession that concern said officers' hiring, training, duties, performance, assignments, and mental and physical condition.

**REQUEST FOR PRODUCTION NO. 7:** Produce any and all documents concerning or at all relevant to any formal or informal complaint made against or about each and every Dearborn Heights police officer who was involved in the Saad Incident or otherwise identified/named in your answers to the above Interrogatories, from any source and concerning any subject matter.

This includes without limitation:

- a. documents concerning all complaints and other disciplinary or police review of activities listed for each and every Dearborn Heights police officer who was involved in the Saad Incident or otherwise identified/named in your answers to the above Interrogatories in the file maintained by the Internal Affairs Bureau;
- b. the complete documents concerning each incident listed on the disciplinary record for each and every Dearborn Heights police officer who was involved in the Saad Incident or otherwise identified/named in your answers to the above Interrogatories;
- c. the complete documents concerning all complaints and other disciplinary or internal police review of activities maintained by the Dearborn Heights Police Department concerning each and every Dearborn Heights police officer who was involved in the Saad Incident or otherwise identified/named in your answers to the above Interrogatories; and
- d. all information contained in the computers maintained by the Internal Affairs Bureau of the Dearborn Heights Police Department or any other division of the Dearborn heights Police Department concerning the complaints made against each and every Dearborn Heights police officer who was involved in the Saad Incident or otherwise identified/named in your answers to the above Interrogatories, including without limitation the information which is retrievable by computer codes.

**REQUEST FOR PRODUCTION NO. 8:** For the period January 1, 2005 until the date of your answers to these Interrogatories and Requests for Production of Documents, produce any and all police guidelines, directives, policy statements, procedures, and training materials, in any form and of any type, concerning police policy, custom or practice regarding:

- a. specific discipline for the violation of constitutional rights;
- b. the use of force (including lethal, deadly, and non-lethal);
- c. conducting search and seizures of persons or property;
- d. the use of police canines/dogs;
- e. the use of force on elderly persons; and
- f. handcuffing techniques.

**REQUEST FOR PRODUCTION NO. 9:** Produce copies of any and all Internal Affairs Bureau annual reports and case logs for the period January 1, 2005 until the date of your answers to these Interrogatories and Requests for Production of Documents.

**REQUEST FOR PRODUCTION NO. 10:** Produce any and all documents concerning audits, reports, evaluations, consulting studies, and/or similar reviews of the performance of your Internal Affairs Bureau, whether by evaluators or other persons within or from without your Department, from January 1, 2005 until the date of your answers to these Interrogatories and Requests for Production of Documents.

**REQUEST FOR PRODUCTION NO. 11:** Produce copies of any and all tickets written by Defendant Michael Krause on the day of the Saad Incident as well as a list of the names and addresses of all persons to whom the foregoing tickets were issued.

**DATED this 4th day of August 2010.**

**HADOUSCO. | PLLC**

**/s/ Nemer Hadous**

**Nemer N. Hadous**

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