

**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' FOURTH REQUEST FOR PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS TO DEFENDANT CITY OF DEARBORN HEIGHTS</p> <p>- HONORABLE PATRICK J. DUGGAN -</p> <p>- MAGISTRATE JUDGE MARK A. RANDON -</p>
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- SIXTH CIRCUIT COURT OF APPEALS
- DISTRICT OF ARIZONA
- EASTERN DISTRICT OF MICHIGAN
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**PLAINTIFFS' FOURTH REQUEST FOR PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED
INFORMATION, AND THINGS TO DEFENDANT CITY OF DEARBORN HEIGHTS**

1 Plaintiffs Joseph Saad and Zihra Saad (collectively, "Plaintiffs") by counsel, and
2 pursuant to Federal Rules of Civil Procedure 26 and 34, submit their Fourth Request for
3 Production of Documents, Electronically Stored Information, and Tangible Things
4 ("Discovery Requests") to the Defendant City of Dearborn Heights to be answered within
5 (30) days of the date of service hereof.

6 **INSTRUCTIONS**

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

11 2. These Discovery Requests shall be deemed continuing, and you are to promptly
12 supplement its answers if and when you obtain responsive documents, or documents which add
13 to or are in any way inconsistent with your initial production.

14 3. If you cannot answer any Discovery Request or its subject thereof in full, provide
15 the most complete response of which you are capable and state each reason why you were unable
16 to completely answer the discovery request or its subpart.

17 4. In the event the space provided is not sufficient for your answer to any of the
18 following Discovery Requests, attach a separate sheet of paper setting forth the question,
19 followed by the additional answering information.

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

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

25 (a) Produce each such document to the fullest extent possible.

26 (b) Specify the reasons for your inability to produce the
27 remainder.

28 (c) State in detail whatever information, knowledge or belief you
29 have concerning the whereabouts and substance of each
30 document not produced in full.

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

- 3 (a) The type of document.
4 (b) The type of information contained therein.
5 (c) The date upon which it ceased to exist.
6 (d) The circumstances under which it ceased to exist.
7 (e) The identity of all persons having knowledge of the
8 circumstances under which it ceased to exist.
9 (f) The identity of all persons having knowledge or who had
10 knowledge of the contents thereof.

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

- 14 (a) The nature of the document (e.g., a letter, memorandum, etc.).
15 (b) The author of the document.
16 (c) All recipients of the document and any copy thereof.
17 (d) A summary of information contained in the document.
18 (e) The date on which you lost, relinquished, or otherwise ceased
19 to have possession, custody, control of, or access to the
20 document.
21 (f) Identify all persons having knowledge of the circumstances
22 whereby you lost, relinquished, or otherwise ceased to have
23 possession, custody, control of, or access to the document.
24 (g) Identify all persons who have or have had knowledge of the
25 document, in full or in part.

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

- 29 (a) The name of each author, writer, sender or initiator of each
30 such document.

1 (b) The name of each recipient, addressee or party to whom such
2 document was sent to, or intended.

3 (c) The name of each and every person who received a copy of the
4 document

5 (d) The date of the document or, if no date appears on the
6 document, the date the document was prepared.

7 (e) The title of the document, or if it has no title, then such other
8 description of the document and its subject matter as shall be
9 sufficient to identify the document.

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

13 10. In the event the space provided is not sufficient for your answer to any of the
14 following Discovery Requests, attach a separate sheet of paper setting forth the question,
15 followed by the additional answering information.

16 11. All Discovery Requests must be answered/produced within (30) days of the
17 date of service hereof in accordance with Federal Rules of Civil Procedure 34.

18 8. All documents requested herein are to be produced at the office of the
19 Plaintiffs' counsel at the following address:

20 835 Mason Street
21 Suite 150-A
22 Dearborn, Michigan 48124

23 **DEFINITIONS**

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

26 A. The terms "you" and "your," unless otherwise specified, shall mean and refer
27 to the Defendant City of Dearborn Heights, its agents, affiliates, employees, partners,
28 representatives, shareholders, whether current, past, or former, and/or attorneys.

29 B. The terms "document," "documents," "writing" and "document and tangible
30 thing" shall have the meaning ascribed in Rule 34 of the Federal Rules of Civil Procedure,
31 and shall refer to any means by which information is recorded or retained, including

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

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

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

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

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

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

6 (a) The date of the document, and if it bears no date, the date
7 when it was processed;

8 (b) The name of the person who prepared it;

9 (c) The name of the person who signed it or over whose name it
10 was issued;

11 (d) The name of each person to whom it was addressed or
12 distributed;

13 (e) The nature and substance of the document with sufficient
14 particularity to enable it to be identified; and

15 (f) The present location of it and the name and address of its
16 custodian or custodians.

17
18 **REQUESTS FOR PRODUCTION**

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20 You are hereby requested to produce the following:

21
22 **REQUEST FOR PRODUCTION No. 38:** Produce copies of the complete daily certified ("backup")
23 disc (containing the audio/video recordings captured by Dearborn Heights police cruisers'
24 Mobile Video Recording Equipment) for March 10, 2010 and for July 10, 2010 (the dates of
25 the events giving rise to this action and the related action).

REQUEST FOR PRODUCTION NO. 39: Produce a copy of the complete electronic file/database or records of all training courses and seminars attended by all of the individually named Defendants since June 2005.

REQUEST FOR PRODUCTION NO. 40: Produce a copy of the complete electronic file/database or records of all training courses and seminars attended by all Dearborn Heights Police Officers since June 2005.

* * * * *

DATED THIS 25TH DAY OF JANUARY, 2012,

HADOUSCo. |PLLC

BY: /s/NEMER N. HADOUS
NEMER N. HADOUS |AZ: 027529 | CA: 264431|
UNITED STATES COURTS:
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ATTORNEY FOR PLAINTIFFS
JOSEPH SAAD AND ZIHRA SAAD

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 **25TH** DAY OF **JANUARY 2012** BY:

- X FIRST CLASS MAIL
- X EMAIL

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

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