

**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 TO DEFENDANT
MICHAEL KRAUSE**

(Honorable Patrick J. Duggan)

HADOUSCO. | PLLC

Nemer N. Hadous (CA: 264431) (AZ: 027529)
**Admitted to practice in the U.S. District Court,
Eastern District of Michigan**
16030 Michigan Avenue, Suite 200
Dearborn, Michigan 48126
P: (313) 846-6300
E: nhadous@hadousco.com

ATTORNEY FOR PLAINTIFF

PUCKETT & FARAJ, PC

Haytham Faraj
6200 Schaefer Road, Suite 202
Dearborn, Michigan 48126
P: (760) 521-7934

ATTORNEY FOR PLAINTIFF

**CUMMINGS, McLOREY, DAVIS,
& ACHO, PLC**

Jeffrey Clark (P33074)
33900 Schoolcraft Road
Livonia, Michigan 48150
P: (734) 261-2400
E: jclark@cnda-law.com

ATTORNEY FOR DEFENDANTS

*Michael Krause, City of Dearborn
Heights, and City of Dearborn Heights
Police Department.*

Laurie M. Ellerbrake (P38329)

13615 Michigan Avenue
Dearborn, Michigan 48126
P: (313) 943-2035

ATTORNEY FOR DEFENDANTS

*City of Dearborn, and City of
Dearborn Police Department.*

PLAINTIFFS' FIRST SET OF INTERROGATORIES

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 Defendant Michael Krause answer the following set of Interrogatories and within thirty days (30) days of the service of this Request. These Interrogatories are deemed to be continuing and Defendants have a duty to supplement their responses accordingly.

INSTRUCTIONS

1. In answering these Interrogatories, 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.

2. Every Interrogatory 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.

3. 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.

4. 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.

5. All Interrogatories are to be answered 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 Defendant Michael Krause, his 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: What is your full name, badge or identification number, present height, weight, and date of birth?

INTERROGATORY NO. 2: With regard to your occupation or employment from the date you first began working at full-time employment to the present, state:

- a. the name and address of any and all of your employer(s);
- b. for each job, the nature of your work and duties;
- c. for each job, the date and reason you left the employment;
- d. if you were appointed to any positions, the date and term of the appointment, the person and position of the person who appointed you, and the name and address of the person or body to whom you were or are responsible.

INTERROGATORY NO. 3: What, if any, educational requirements are prerequisite to appointment as a police officer of the Dearborn Heights Police Department?

INTERROGATORY NO. 4: For any high school or institution of higher learning which you have attended, state the name and address of each institution, the dates you attended and the degree or certification that you received.

INTERROGATORY NO. 5: State the nature and duration of any training or experience as a police officer which is a prerequisite to appointment as a police officer for the Metropolis Police Department.

INTERROGATORY NO. 6: Were you ever a defendant in any suit which charged you,

individually or in your official capacity as a police officer in the Metropolis police department, 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;
- g. the result of each suit that has been concluded by judgment or settlement.

INTERROGATORY NO. 7: 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. 8: 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 Metropolis 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. 9: Were either you or your employer insured during the period of time during which this incident occurred against judgments of personal liability based on any abuse of you lawful authority, or were either you or your employer 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;
- f. the substance of disclaimers of liability contained in the policy.

INTERROGATORY NO. 10: What is your monthly net wage after deduction or withholdings made for income tax, social security, medical insurance, pensions, and other like deductions or withholdings?

INTERROGATORY NO. 11: Describe any investments you presently have which yield income, including the nature and amount of each investment.

INTERROGATORY NO. 12: Describe any real property or proprietary or possessory interests which you hold, including the identity, location and nature of each interest and the amount of income realized.

INTERROGATORY NO. 13: State specifically and in detail the date and exact sequence of events that took place during any interaction between you and Mrs. Saad, including but not limited to the day of the Saad Incident.

INTERROGATORY NO. 14: For each incident identified in response to interrogatory number 13, state:

- a. the name, badge or identification number, and present address of any other person involved in or known by you to have witnessed the interaction;
- b. the date, substance, and person involved in any conversation or oral report about any such incident;
- c. the identity of any forms or documents created in preparation for or response to any such interaction;
- d. the garments you were wearing at the time of each interaction;

- e. the exact amount, types, and times that you ingested alcoholic beverages on the day of any such interaction;
- f. any ordinance, rule or policy authorizing or tending to authorize or ratify any actions you took with regard the either of the Plaintiffs; state the substance of each such ordinance, rule or policy and its citation, if any.

INTERROGATORY NO. 15: Do you now or have you ever suffered from any mental disease, defect or disorder? If yes, state the nature, treatment and medical personnel with knowledge of the disease, defect, or disorder.

INTERROGATORY NO. 16: Have you ever been arrested and/or convicted of any crime whatsoever? If yes, state the offense, date of occurrence, location and disposition of the case.

INTERROGATORY NO. 17: Have you received any discipline from the Dearborn Heights Police Department or from the City of Dearborn Heights as a result of the incident involving the plaintiff? If yes, state:

- a. the nature of the discipline;
- b. the facts on which such discipline was based; and
- c. who ordered and who administered the disciplinary action.

DATED this 4th day of August 2010.

HADOUSCO. | PLLC

/s/ Nemer Hadous

Nemer N. Hadous

16030 Michigan Avenue

Suite 200

Dearborn, Michigan 48126

P: (313) 846-6300

F: (313) 846-6358

ATTORNEY FOR PLAINTIFFS

Zihra Saad and Mahmoud Saad