

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
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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' SECOND SET OF
INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS
TO THE DEFENDANT CITY OF
DEARBORN HEIGHTS**

- Honorable Patrick J. Duggan -

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

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24 **PLAINTIFFS' SECOND SET OF INTERROGATORIES AND REQUESTS FOR**
25 **PRODUCTION OF DOCUMENTS**
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1 Pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure, Plaintiffs Zihra
2 Saad and Mahmoud Saad (collectively, "Plaintiffs"), by through their undersigned counsel
3 hereby request that the Defendant City of Dearborn Heights answer the following set of
4 interrogatories and produce the following designated documents for inspection and copying by
5 Plaintiffs, at the office of Plaintiffs' attorneys, HADOUSCO. |PLLC, at 16030 Michigan
6 Avenue, Suite 200, Dearborn, Michigan 48126, within thirty days (30) days of the date of service
7 of this Request. These Interrogatories and Requests for Production of Documents are deemed to
8 be continuing and Defendants have a duty to supplement their responses accordingly.

9 **INSTRUCTIONS**

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

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

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

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

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

- 26 a. The type of document;
27 b. The type of information contained therein;
28 c. The date upon which it ceased to exist;
29 d. The circumstances under which it ceased to exist;
30 e. The identity of all persons having knowledge of the circumstances under
31 which it ceased to exist; and

1 f. The identity of all persons having knowledge or who had knowledge of
2 the contents thereof.

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

6 a. The nature of the document (i.e., letter, memorandum, etc.);

7 b. The author of the document;

8 c. All recipients of the document and any copy thereof;

9 d. A summary of information contained in the document;

10 e. The date on which you lost, relinquished, or otherwise ceased to have
11 possession, custody, control of, or access to the document;

12 f. Identify all persons having knowledge of the circumstances whereby you
13 lost, relinquished, or otherwise ceased to have possession, custody, control
14 of, or access to the document; and

15 f. Identify all persons who have or have had knowledge of the document, in
16 full or in part.

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

20 a. The name of each author, writer, sender or initiator of each such document

21 b. The name of each recipient, addressee or party to whom such document was sent
22 to, or intended;

23 c. The name of each and every person who received a copy of the document

24 d. The date of the document or, if no date appears on the document, the date the
25 document was prepared;

26 e. The title of the document, or if it has no title, then such other description of the
27 document and its subject matter as shall be sufficient to identify the document;
28 and

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

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

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

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

25 F. "Person" means an individual, firm, corporation, association, organization or any
26 other entity.

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

30 H. To "identify" or to "state the identity of" a document means to state with respect
31 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: Please state the total number of civil infractions issued by the City of Dearborn Heights Police Department for each year from 2004 until the present (please provide year to date figures for 2010).

- a. 2004:
- b. 2005:
- c. 2006:
- d. 2007:
- e. 2008:
- f. 2009:
- g. 2010 (year to date):

INTERROGATORY NO. 2: For each year from 2004 until the present (please provide year to

1 date figures for 2010), please list the total number of civil infractions identified in Interrogatory
2 No. 1 by the type of infraction issued (i.e., the actual infraction listed on the ticket issued).

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4 a. 2004:

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6 b. 2005:

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8 c. 2006:

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10 d. 2007:

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12 e. 2008:

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14 f. 2009

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16 g. 2010 (year to date):
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18 **INTERROGATORY NO. 3:** Please state the total number of civil infractions issued for
19 “impeding traffic” violations for each year from 2004 until 2010 (please provide year to date
20 figures for 2010). This shall be deemed a request for the total number of civil infractions
21 originally written as an impeding traffic violation— not civil infractions subsequently converted
22 to impeding traffic violations at an informal hearing or otherwise.

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24 a. 2004:

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26 b. 2005:

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28 c. 2006:

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30 d. 2007:
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1 e. 2008:

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3 f: 2009:

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5 g: 2010 (year to date):

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7 **INTERROGATORY NO. 4:** Please state the total number of civil infractions converted to an
8 “impeding traffic” violation (i.e., the total number of civil infractions converted from non-
9 impeding traffic violations to “impeding traffic” violations) for each year from 2004 until the
10 present whether converted at an informal hearing or otherwise.

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12 a. 2004:

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14 b. 2005:

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16 c. 2006:

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18 d. 2007:

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20 e. 2008:

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22 f: 2009:

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24 g: 2010 (year to date):

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27 **INTERROGATORY NO. 5:** Please state the total amount of money (whether by cash, check,
28 money order, debit, or credit) received by the City of Dearborn Heights and/or the Dearborn
29 Heights Police Department on account civil infractions/tickets issued by the Dearborn Heights
30 Police Department for each year from 2004 until the present (please provide year to date figures
31 for 2010).

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- a. 2004:
- b. 2005:
- c. 2006:
- d. 2007:
- e. 2008:
- f. 2009:
- g. 2010 (year to date):

INTERROGATORY NO. 6: Please provide the names and addresses of each individual to whom Defendant Krause issued a civil infraction to on March 10, 2010 (i.e., the day of the Saad Incident).

INTERROGATORY NO. 7: Please state whether and to what extent the City of Dearborn Heights has conducted the traffic studies contemplated and/or required by Public Act 85 of 2006.

If your answer to this Interrogatory is in the affirmative:

- a. Describe in detail the nature and extent of the traffic studies.
- b. Provide the name of all persons and/or entities that conducted the traffic studies.
- c. State the results of the traffic studies.
- d. State the recommendation(s) of the persons and/or entities that conducted the traffic studies.

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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 copies of all documents including, without limitation, all studies, reports, conclusions, and/or recommendations regarding traffic studies conducted by the City of Dearborn Heights pursuant to Public Act 85 of 2006.

REQUEST FOR PRODUCTION NO. 3: Produce copies of any and all compensatory plans, pay scales, and/or salary structures for Dearborn Heights Police Officers including holiday pay and incentive pay.

REQUEST FOR PRODUCTION NO. 4: Produce copies of any and all employment policies related to the compensation of Dearborn Heights police officers including without limitation policies regarding overtime availability and pay.

REQUEST FOR PRODUCTION NO. 5: Produce copies of Defendant Krause's paychecks from March 10, 2010 to the present (year to date).

1 **REQUEST FOR PRODUCTION NO. 6:** Produce copies of all of the civil infractions issued
2 by Defendant Krause on March 10, 2010.

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5 **REQUEST FOR PRODUCTION NO. 7:** Produce copies of the resolution of all of the civil
6 infractions issued by Defendant Krause on March 10, 2010 (i.e., the records indicating whether
7 the civil infractions were paid, challenged, and/or converted to an impeding traffic violation).

8
9 **DATED this 10th day of September 2010.**

10
11 **HADOUSCO. | PLLC**

12
13 **/s/ Nemer Hadous**

14 **Nemer N. Hadous**

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21 **ATTORNEY FOR PLAINTIFFS**

22 *Zihra Saad and Mahmoud Saad*

23
24
25 **Copies of the foregoing delivered by email and by first class mail to:**

26
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31 jclark@cnda-law.com

32 **ATTORNEY FOR DEFENDANTS**