

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

<p>JOSEPH SAAD, INDIVIDUALLY, ZIHRA SAAD, INDIVIDUALLY,</p> <p style="text-align:center">PLAINTIFFS,</p> <p style="text-align:center">- Vs -</p> <p>CITY OF DEARBORN HEIGHTS, ET AL.,</p> <p style="text-align:center">DEFENDANTS.</p>	<p>CIVIL CASE No. 2:11-cv-10103</p> <p style="text-align:center">MOTION TO COMPEL</p> <p style="text-align:center">- HONORABLE PATRICK J. DUGGAN –</p> <p style="text-align:center">- MAGISTRATE JUDGE MARK A. RANDON -</p>
--	--

HADOUSCO. |PLLC

NEMER N. HADOUS
|AZ: 027529 | CA: 264431|
UNITED STATES DISTRICT COURTS:
- DISTRICT OF ARIZONA
- EASTERN DISTRICT OF MICHIGAN
835 MASON STREET, SUITE 150-A
DEARBORN, MICHIGAN 48124
P: (313) 450-4670
F: (888) 450-0687
D: (313) 415-5559
E: NHADOUS@HADOUSCO.COM

ATTORNEY FOR PLAINTIFFS
JOSEPH SAAD AND ZIHRA SAAD

PUCKETT & FARAJ, PC

HAYTHAM FARAJ |P-72581|
835 MASON STREET, SUITE 150-A
DEARBORN, MICHIGAN 48124
P: (760) 521-7934
E: HAYTHAM@PUCKETTFARAJ.COM

ATTORNEY FOR PLAINTIFFS
JOSEPH SAAD AND ZIHRA SAAD

CUMMINGS, MCCLOREY, DAVIS & ACHO, PLC

JEFFREY R. CLARK |P-33074|
33900 SCHOOLCRAFT ROAD
LIVONIA, MICHIGAN 48150
P: (734) 261-2400
E: JCLARK@CMDA-LAW.COM

ATTORNEY FOR DEFENDANTS

MOTION TO COMPEL

1 Plaintiffs Joseph Saad and Zihra Saad (collectively, "Plaintiffs"), by counsel, and pursuant
2 to Fed. R. Civ. P. 37, hereby submit this Motion to Compel Production of Documents (this
3 "Motion").

4 Plaintiffs sought but did not obtain concurrence in the relief sought herein pursuant to
5 Local Rule 7.1. In support of this Motion, Plaintiffs rely on the arguments and authorities set
6 forth in their Memorandum in Support filed contemporaneously herewith.

7
8 **RESPECTFULLY SUBMITTED THIS 27TH DAY OF OCTOBER 2011,**

9
10 **HADOUSCO. |PLLC**

11
12 **/s/NEMER N. HADOUS**

13 **BY:** NEMER N. HADOUS |AZ: 027529 | CA: 264431|

14 UNITED STATES DISTRICT COURTS:

15 - DISTRICT OF ARIZONA

16 - EASTERN DISTRICT OF MICHIGAN

17 835 MASON STREET, SUITE 150-A

18 DEARBORN, MICHIGAN 48124

19 P: (313) 450-0687

20 F: (888) 450-0687

21 E: NHADOUS@HADOUSCO.COM

22
23 **ATTORNEY FOR PLAINTIFFS**

24 *JOSEPH SAAD AND ZIHRA SAAD*
25
26
27
28
29
30
31
32
33
34
35
36

MEMORANDUM IN SUPPORT

A. INTRODUCTORY STATEMENT

Plaintiffs bring this Motion to Compel the Defendant City of Dearborn Heights to produce its Policies and Procedures Manual as well as any and all documents/records wherever kept of citizen complaints against the individually-named Defendants.

B. FACTUAL BACKGROUND

Plaintiffs submitted their First Request for Production of Documents to the Defendant City of Dearborn Heights (“Defendant”)¹ on or about August 1, 2011 wherein Plaintiffs specifically requested:

- (1) The Dearborn Heights Police Department’s Policies and Procedures Manual (the “P & P Manual”).
- (2) The complete personnel files and records of complaints against the individually-named Defendants.
- (3) “Any and all audio or video recordings, particularly audio and/or video recordings taken by the officers’ equipment and/or police cruisers.”

(**Exhibit 1** – Plaintiffs’ Requests for Production of Documents to Defendant City of Dearborn Heights Nos. 3(k), 4, 9 - 20).

With the exception of the request for the audio/video recordings, Defendant objected to each and every one of the foregoing requests for production as follows:

“Defendant objects to this request because it calls for the release of privileged information.”

(**Exhibit 2** – Defendant’s Response to Plaintiffs’ First Request for Production of Documents).

When Plaintiffs’ counsel Nemer Hadous attempted to contact Defendant’s counsel Jeffrey Clark multiple times by telephone regarding the assertion of this privilege, Mr. Clark would not take the phone calls.

When Mr. Hadous followed-up by email on September 15, 2011, Mr. Clark likewise disregarded these inquiries. Instead of and in lieu of a response from Mr. Clark, Plaintiffs received a letter from Mr. Patrick Sturdy, who at the time, had never corresponded with Mr.

¹ The Defendant City of Dearborn Heights and the individually-named Defendants, when referred to collectively herein, are, “Defendants.”

1 Hadous or his co-counsel Haytham Faraj in this action or *Saad v. Krause, et al.* (Case No. 10-
2 12634) (the “Companion Action”). Mr. Sturdy’s correspondence sought Plaintiffs to correct
3 multiple answers to interrogatories within seven days—the majority of which comprised requests
4 for Plaintiffs to re-answer questions already asked and answered during Plaintiffs’ depositions
5 the week before, and which were in any event virtually identical to the Defendants’ own answers
6 to the Plaintiffs’ interrogatories.

7 On the basis of Mr. Sturdy’s correspondence, Plaintiffs made an essentially identical
8 request to the Defendants regarding their responses to Plaintiff’s interrogatories. The following
9 Monday, Mr. Sturdy contacted Mr. Hadous by telephone to request additional time to produce
10 the individually-named Defendants’ redacted personnel files. Mr. Hadous agreed to this. Mr.
11 Sturdy then **chuckled** and suggested that he and Mr. Hadous “**revisit**” the parties’ “discovery
12 dispute” regarding the answers to interrogatories after the Defendants’ depositions.

13 The Defendant did not produce the audio/video recordings until on or about October 6,
14 2011 (by way of supplemental response). Astonishingly, these recordings, which contain
15 exculpatory evidence regarding the alleged “assault” by Joseph Saad, were not disclosed during
16 the criminal proceedings against Joseph.

17 When Plaintiffs made an identical request for production in the Companion Action, the
18 Defendant insisted, “**Defendant has no such recordings.**” (**Exhibit 3** – Plaintiffs’ Requests for
19 Production of Documents No. 2). When Mr. Hadous inquired with Mr. Clark regarding the
20 existence of this evidence (on the basis of Defendant’s supplemental response as
21 aforementioned), Mr. Clark disregarded every phone call and email from Mr. Hadous. (**Exhibit**
22 **4** – Hadous Correspondence to Mr. Clark re: Discovery). When Mr. Hadous inquired with Mr.
23 Sturdy over the telephone regarding whether this evidence exists or ever existed, Mr. Sturdy
24 stated that it was “**irrelevant**” and that he would not “**waste** his time” discussing it. (**Exhibit 5**
25 – Hadous Email to Mr. Sturdy dated October 21, 2011).

26 To date, Defendant has not produced its P & P Manual or documents/records of citizen
27 complaints against the individually-named Defendants. **Further, Mr. Clark and Mr. Sturdy**
28 **refuse to respond to Mr. Hadous’s repeated inquiries regarding whether there exists or**
29 **existed any audio/video recordings regarding the incident which gave rise to the**
30 **Companion Action.**

31 Defendants and their counsel are no strangers to requests for the precise category of

1 discovery herein sought. In at least **three** other recent lawsuits against the City of Dearborn
2 Heights in this Court, the plaintiffs have filed similar motions against the Defendant City of
3 Dearborn Heights. See **Exhibit 6** - *Moosdorf v. B. Krot, et al.* (Case No. 05-73033) (Defendant
4 ordered to produce its Policies and Procedures and to produce records of complaints against the
5 individually-named Defendant police officers whether kept in the officer's personnel files or in
6 another location); **Exhibit 7** - *Sherry Diane Ivanovski v. City of Dearborn Heights, et al.* (Case
7 No. 07-10731) (Defendant ordered to produce records of complaints against the individually-
8 named Defendant police officers); **Exhibit 8** - *Robert Wells v. City of Dearborn Heights, et al.*
9 (Case No. 10-10543) (Plaintiff's Motion to Compel alleged that Mr. Clark was non-responsive to
10 discovery requesting production of, *inter alia*, citizen complaints against the individually-named
11 Defendant police officers. The parties subsequently resolved the discovery dispute and the
12 plaintiff withdrew its Motion).

13 Cummings, McClorey, Davis, and Acho, PLC has been the law firm of record in each of
14 the foregoing cases and Mr. Clark has been the attorney of record in **two** of those cases.
15 Accordingly, it is no surprise why Mr. Clark refuses to answer phone calls or respond to emails
16 in the discovery matters at issue here. Since multiple Orders of this Court have compelled Mr.
17 Clark to produce similar discovery, Mr. Clark has apparently "assigned" the task of making
18 frivolous discovery objections and asserting non-existent privileges to his co-counsel Mr. Sturdy
19 who first appeared in this action when the discovery disputes at issue here arose and filed his
20 Notice of Appearance on October 10, 2011.

21 STANDARD OF APPLICABLE LAW

22 **Federal Rule of Civil procedure 26(b)(1)**

23 Fed. R. Civ. P. 26(b)(1) provides:

24
25 Unless otherwise limited by court order, the scope of discovery is as follows:
26 Parties may obtain discovery regarding any nonprivileged matter that is relevant
27 to any party's claim or defense — including the existence, description, nature,
28 custody, condition, and location of any documents or other tangible things and the
29 identity and location of persons who know of any discoverable matter. For good
30 cause, the court may order discovery of any matter relevant to the subject matter
31 involved in the action. Relevant information need not be admissible at the trial if
32 the discovery appears reasonably calculated to lead to the discovery of admissible
33 evidence. All discovery is subject to the limitations imposed by Rule 26(b)(2)(C).
34

1 The United States Supreme Court interprets the scope of discovery under the Federal
2 Rules broadly. The key phrase in the definition “relevant to the subject matter involved in the
3 pending action” has been construed broadly to encompass any matter that bears on, or that
4 reasonably could lead to other matter that could bear on, any issue that is or may be in the case.
5 *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351, 98 S. Ct. 2380, 2389, 98 S. Ct. 2380
6 (1978); *Hickman v. Taylor*, 329 U.S. 495, 501, 67 S. Ct. 385, 388, 91 L. Ed. 451 (1947).

7 The Supreme Court has further admonished that discovery is not limited to issues raised
8 by the pleadings, as discovery itself is designed to help define and clarify the issues.
9 *Oppenheimer*, 437 U.S. at 351; *Hickman*, 329 U.S. at 500-501.

10 Michigan courts have likewise acknowledged that the scope of discovery under the
11 Federal Rules of Civil Procedure is quite broad. *Lewis v. ACB Business Services, Inc.*, 135 F.3d.
12 389, 402 (6th Cir. 1998). The scope of examination permitted under Rule 26(b) is broader than
13 that permitted at trial. *Id.* The test is whether the line of interrogation is reasonably calculated to
14 lead to the discovery of admissible evidence. *Id.* (citation omitted). Only discovery not
15 ‘reasonably calculated to lead to the discovery of admissible evidence’ falls outside the purview
16 of Rule 26(b)(1). Thus, it would be proper to deny discovery of matter that is relevant only to
17 claims or defenses that have been stricken, or to events that occurred before an applicable
18 limitations period, unless the information sought is otherwise relevant to issues in the case. *Id.*
19 (citation omitted).

20 ARGUMENT

21 **1. PLAINTIFFS ARE ENTITLED TO DISCOVERY OF DOCUMENTS/RECORDS OF** 22 **ALL CITIZEN COMPLAINTS AGAINST THE DEFENDANTS**

23 Fed. R. Civ. P. 26 permits discovery of all relevant, non-privileged information. Under
24 Federal law, no general privilege regarding the personnel files of police officers or records of
25 complaints against police officers in a civil rights action exists. The relevance of these items is
26 clear on its face. Plaintiffs need cite no reason or purpose for requesting relevant, non-privileged
27 information.

28 Multiple courts have already held that no privilege exists to withhold the personnel files
29 of police officers including records of citizen complaints against police officers in a civil rights
30 case. See *King v. Conde*, 121 F.R.D. 180 (E.D.N.Y., 1984) (Privacy interest of police officers
31 regarding personnel records, such as prior involvement in disciplinary proceedings or citizen

1 complaints filed against the officer are unsubstantial and therefore discoverable by plaintiffs in
 2 civil rights actions); *Torres v. Kuzniasz*, 936 F. Supp. 1201 (D. N.J., 1996) (Civilian complaints
 3 against defendant police officers relevant and necessary to Plaintiff's burden of establishing
 4 unconstitutional municipal liability and therefore discoverable); *Urseth v. City of Dayton*, 110
 5 F.R.D. 245 (S.D. Ohio, 1986) (Discovery of internal affair investigations are discoverable in
 6 cases alleging custom, policy, and practice of constitutional violation, notwithstanding any claim
 7 of executive privilege).

8 Further, as already discussed, this Court has ordered the Defendant (represented by the
 9 same counsel) to produce identical discovery on multiple occasions. Nothing in the substantive
 10 law has changed regarding the same frivolous objections and assertions of non-existent
 11 privileges the Defendants proffer. Accordingly, this Court should enter an Order compelling the
 12 Defendant to immediately and unconditionally produce any and all documents/records of citizen
 13 complaints wherever kept against the individually-named Defendants.²

14 **2. PLAINTIFFS ARE ENTITLED TO THE DEFENDANT CITY OF DEARBORN**
 15 **HEIGHTS POLICIES AND PROCEDURES MANUAL ABSENT A PROTECTIVE**
 16 **ORDER**

17 Defendants have repeatedly refused to produce the City of Dearborn Heights Policies and
 18 Procedures Manual. Plaintiffs initially requested this in their First Request for Production of
 19 Documents August 1, 2011. In response, Defendant objected to production and asserted a
 20 "general privilege." Plaintiffs sent email correspondences to Mr. Clark on October 14, 2011 and
 21 October 21, 2011. Mr. Clark did not respond. Instead, Plaintiffs received a correspondence from
 22 Patrick Sturdy dated October 21, 2011 which purports:

23
 24 The disclosure of police policies and procedures are subject to the
 25 executive/deliberative process privilege. However, notwithstanding said
 26 objection, Dearborn Heights Police Department has a Policies and Procedures
 27 Manual. A copy of the index of said Manual is attached. Defendants agree to
 28 produce those policies which Plaintiffs would like to review subject to entry of
 29 the attached proposed protective order.

30
 31 **(Exhibit 9 – Sturdy Correspondence dated October 21, 2011).**

² On Plaintiffs' information and belief, records of complaints against Dearborn Heights police officers may or may not be stored in a Dearborn Heights facility and/or may have been expunged from the officers' personnel records pursuant to the officers' collective bargaining agreement and/or labor agreement with the City of Dearborn Heights and/or the City of Dearborn Heights Police Department.

1 In *Soto v. City of Concord*, 162 FRD 603 (N.D.C.A. 1995), the defendant sought to assert
2 a privilege regarding multiple requests for production of police records including court the
3 production of internal affairs investigative materials, personnel records, psychological
4 evaluations, and citizen complaint records on the basis of a “deliberative process privilege.” The
5 Court explicitly rejected this contention, finding that the “deliberative process privilege” is
6 “inappropriate for use in civil rights cases against police departments.”

7 Here, Plaintiffs seek the City of Dearborn Heights Police Department Policies and
8 Procedures Manual. Under the Michigan Freedom of Information Act, MCL 15.231 et seq.
9 (“FOIA”), a “public body” is, *inter alia*, any “city,” “municipal corporation,” or “agency
10 thereof.” Defendants cite no case law to support the frivolous contention that a public body’s
11 official Policies and Procedures Manual is a “privileged” document. In fact, a basic “Google”
12 query reveals that multiple cities and townships make their Police Department’s Policies and
13 Procedures Manual publicly available on the internet.

14 Defendant, a public body, essentially asks the Court to treat it like a private enterprise by
15 ruling that its official policies and procedures are “confidential” or “privileged” while at the
16 same time availing itself to defenses only available to public (i.e., governmental) entities.

17 In any event, Defendant’s contentions are ill-founded and contravene the long-standing
18 policy of “open government” in this State and in the United States of America. In an open letter
19 to the citizens of Michigan, Frank J. Kelley, then Attorney General of Michigan, wrote:

20 Dear Citizen:

21
22 Few things are as critical to preserving our democratic ideal as assuring that the
23 people are afforded every opportunity to know how their government works. For
24 that reason, I vigorously support Michigan's laws that open the doors of
25 government to the people.

26
27 The Michigan Freedom of Information Act provides every person with the right
28 of access to most public documents. Where access to records is wrongfully
29 denied, citizens are authorized to bring suit to compel disclosure and may be
30 awarded damages and reasonable attorney fees.

31
32 The following information is compiled to help you know your rights under the
33 Freedom of Information Act.

34
35 See: http://www.michigan.gov/ag/0,4534,7-164-17337_18160-51244--,00.html as it existed on
36 October 26, 2011.

1 Accordingly, this Court should enter an Order compelling the Defendant to immediately
2 and unconditionally produce its Policies and Procedures Manual.

3 **3. DEFENDANTS ARE ACTING IN BAD-FAITH AND ENGAGING IN REPEATED**
4 **DISCOVERY ABUSE**

5 Plaintiffs provided Defendant with a gratuitous extension to respond to Plaintiffs' First
6 Request for Production of Documents subject to the proviso Plaintiffs would require the
7 individual Defendants' personnel files in advance of their depositions. Defendant used this
8 extension to initially withhold the Defendants' personnel files (even though Defendant did not
9 object to this in the Companion Action) and to assert the frivolous objections and non-existent
10 privileges regarding the discovery at issue here. When Plaintiffs subsequently appeared for the
11 Defendants' depositions, the Defendants (who have shown a propensity to lie and to falsify
12 police reports) refused to be sequestered. This has culminated in undue delay and extension of
13 discovery.

14 Mr. Clark continues to disregard Plaintiffs' inquiries. Attempts to contact Mr. Clark
15 invariably result in sporadic correspondences requesting unfettered access to the Plaintiffs'
16 medical records, which as Defendants are aware, Plaintiffs are compiling and will provide. Such
17 correspondences are disingenuous and reflect Mr. Clark's modus operandi regarding discovery
18 as evidenced by his conduct in the Companion Action which include phony discovery inquiries
19 and "altered" dates on documents.³

³ When Plaintiffs inquired regarding overdue discovery in the Companion Action, Mr. Clark sent letter to Mr. Hadous dated November 8, 2010 wherein Mr. Clark stated, "We have not received your response to our first Set of Interrogatories and Request for Production of Documents." (**Exhibit 10** – Clark Correspondence - November 8, 2010). When Mr. Hadous advised Mr. Clark no such discovery was ever served, Mr. Clark responded, "we'll get responses out (I thought we did already)." By November 18, 2010, Plaintiffs still had not received the discovery responses and made a follow-up inquiry. This time, Mr. Clark responded, "Hope to have them out by next week. My assistant is re-sending our requests to you as we talked about the other day." (**Exhibit 11** – Hadous-Clark Email Exchange November 2010).

Plaintiffs finally received a discovery response on or about December 9, 2010. To make it appear as though Defendants responded as of November 8, 2010, Defendants falsified the date on the cover letter to reflect November 8, 2010 (the real date of the cover letter is evidenced by the time stamp at the bottom of the document as well the Certificate of Service dated December 9, 2010). (**Exhibit 12** – Altered Cover Letter). Inexplicably, Mr. Clark sent another letter to Mr. Hadous dated December 29, 2010 purporting to request overdue discovery, "I would appreciate receiving responses to our initial discovery requests, which, as you know, are overdue." (**Exhibit 13** – Clark Correspondence dated December 29, 2010). However, Defendants did not serve their first discovery request on Plaintiffs until **January 4, 2011**. (**Exhibit 14** – Defendants' First Discovery Requests).

1 Mr. Clark recently scheduled an independent medical examination (“IME”) of both
2 Plaintiffs (1) without: obtaining a court order as required by Fed. R. Civ. P. 35; and (2) absent
3 any consultation with Mr. Hadous or Mr. Faraj regarding Plaintiffs’ availability or whether
4 Plaintiffs even agree to the IMEs. Mr. Hadous has explicitly advised Mr. Clark that Plaintiffs
5 object the IME on the terms offered by Defendants but that Plaintiffs would be willing to consent
6 to the IMEs absent a court order on similar terms which Mr. Clark previously agreed to on behalf
7 of the City of Dearborn Heights by way of a stipulated order in *Ivanovski v. City of Dearborn*
8 *Heights, et al.* (Case No. 07-10731) (**Exhibit 15** – Stipulated Order for Physical Examination of
9 Plaintiff Under FRCP 35). Mr. Clark has now forwarded two “invoices” in the aggregate
10 amount of \$600.00 because the Plaintiffs did not appear for improperly scheduled IMEs.

11 To date, Defendants have succeeded in delaying this action and causing Plaintiffs to
12 expend considerable time and resources filing unnecessary discovery-related motions.

13 CONCLUSION

14 Defendant and its counsel display zero regard for the Federal Rules of Civil Procedure or
15 for the Local Rules of this Court. To date, Defendant has refused to produce: (1) its P & P
16 Manual; and (2) any and all documents/records of citizen complaints against the individually-
17 named Defendants on the basis of frivolous objections and assertions of non-existent privileges
18 which they possess actual knowledge are unsupported in law and in fact.

19 Further, as noted in Plaintiffs’ Motion to Amend the Complaint, the Defendant withheld
20 exculpatory evidence from the Plaintiff Joseph Saad during his criminal trial (the audio/video
21 recordings of the incident taken by the Defendants’ recording equipment). Even absent the
22 benefit of this exculpatory evidence, the Honorable Carole F. Youngblood granted the Plaintiff
23 Joseph Saad’s Motion for a Directed Verdict in the frivolous criminal proceedings against him
24 and noted that Defendants Keller, Cates, and Skelton each made multiple misrepresentations
25 during their testimony.

26 In the Companion Action, the Defendants withheld similar evidence—denying it even
27 existed. In the Court’s Opinion and Order regarding the Defendants’ Motion for Summary
28 Judgment (which the Defendants have appealed to the Sixth Circuit), the Court accepted
29 Defendant Krause’s testimony that a physical struggle with Plaintiff Joseph Saad occurred prior
30 to Joseph’s entry into his home even though Joseph vehemently denied this. (**Exhibit 16** –
31 Opinion and Order re: Case No. 10-12635 at p. 15).

1 If the Defendants possessed an audio/video recording of the incident by Defendant
 2 Krause, this would contain conclusive evidence of whether there was a physical struggle with
 3 Joseph. Mr. Hadous has sent multiple emails to Mr. Clark regarding the existence of this
 4 evidence. To date, Mr. Clark has not responded to a single one. **The only response Mr.
 5 Hadous has received is from Mr. Sturdy, who proclaimed during a telephone conversation
 6 that such evidence “irrelevant” and that he would not “waste his time” discussing it.**
 7 (**Exhibit 5** – Hadous Email to Mr. Sturdy dated October 21, 2011).

8 As already established, the Defendants have displayed a propensity to falsify police
 9 reports and to outright lie while testifying in court. The Defendants, including the City of
 10 Dearborn Heights Police Chief Lee Gavin, have already testified that it is their conviction that a
 11 police officer’s testimony in court carries considerably more weight than an ordinary citizen’s.
 12 While this Court may be unable to prevent the Defendants from misrepresenting or engaging in
 13 corruption, the Court is empowered to compel the Defendant to produce relevant, non-privileged
 14 evidence.

15 For the foregoing reasons, Plaintiffs respectfully request that this Honorable Court enter
 16 an Order compelling the Defendants to produce the following:

- 17 (1) The complete City of Dearborn Heights Policies and Procedures Manual.
- 18 (2) The complete documents/records of citizen complaints wherever kept
 19 against each of the Defendants.

20 Plaintiffs further respectfully request an appropriate award of attorneys’ fees, costs and
 21 such further relief as this Court deems just, proper, and allowable given the Defendants’ repeated
 22 discovery abuse and disregard for the Federal Rules of Civil Procedure and the Local Rules of
 23 this Court.

24 Further, to the extent that one or more of Defendants’ counsel have advised Defendants
 25 to conceal/withhold material evidence, the Court should take measures to ensure that
 26 Defendants’ counsel are adequately deterred from similar conduct in the future as they are
 27 apparently undeterred by the mandates of the Federal Rules or previous Orders of this Court.

28 * * * * *

1 **RESPECTFULLY SUBMITTED THIS 27TH DAY OF OCTOBER 2011,**
2
3

4 **HADOUSCO. |PLLC**

5 **/S/NEMER N. HADOUS**

6 **BY:** NEMER N. HADOUS |AZ: 027529 | CA: 264431|

7 UNITED STATES DISTRICT COURTS:

8 - DISTRICT OF ARIZONA

9 - EASTERN DISTRICT OF MICHIGAN

10 835 MASON STREET, SUITE 150-A

11 DEARBORN, MICHIGAN 48124

12 P: (313) 450-0687

13 F: (888) 450-0687

14 E: NHADOUS@HADOUSCO.COM

15 ATTORNEY FOR PLAINTIFFS

16 JOSEPH SAAD AND ZIHRA SAAD
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2011, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which will send notice of such filing to all attorneys of record in this matter. Since none of the attorneys of record are non-ECF participants, hard copies of the foregoing have not been provided via personal delivery or by postal mail.

HADOUSCO. |PLLC

/s/NEMER N. HADOUS

BY: NEMER N. HADOUS |AZ: 027529 | CA: 264431|

UNITED STATES DISTRICT COURTS:

- DISTRICT OF ARIZONA

- EASTERN DISTRICT OF MICHIGAN

835 MASON STREET, SUITE 150-A

DEARBORN, MICHIGAN 48124

P: (313) 450-0687

F: (888) 450-0687

D: (313) 415-5559

E: NHADOUS@HADOUSCO.COM

ATTORNEY FOR PLAINTIFFS

JOSEPH SAAD AND ZIHRA SAAD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37