

INSTRUCTIONS AND DEFINITIONS

Pursuant to R. 4:17 and R. 4:18 of the Rules Governing Civil Procedure, the Defendant, County of Morris, shall respond to the following discovery requests within the timeframe prescribed by law.

Defendant's responses to each interrogatory shall be made under oath and in writing as mandated by R. 4:17.

(a) Communication: The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

(b) Document: The term "document" is defined to be synonymous in meaning and equal in scope to the usage of this term in R. 4:18(1)(a) , except that document shall include electronically stored information, any form of audio or video recordings or information generated by a computer or stored on a disk, in a computer memory or otherwise electronically stored. A draft or non-identical copy is a separate document within the meaning of this term.

(c) Identify (with respect to persons): When referring to a person, "to identify" means to give, to the extent known, the person's full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

(d) Identify (with respect to documents): "to identify" means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipient(s)

(e) Identify means, with respect to records, state the name and title of the person(s) who had responsibility for creating and/or maintaining the record, and explain how such records are stored, in what format, and where. If any such records have been destroyed or lost, explain the circumstances in detail.

(f) Person: The term "person" is defined as any natural person or any business, legal or governmental entity or association.

(g) Concerning: The term “concerning” means “relating to,” “referring to,” “describing,” “evidencing” or “constituting.” These terms are used interchangeably herein.

(h) And/Or; The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

(i) Number: The use of the singular form of any word includes the plural and vice versa.

(j) Definitions set forth in the Complaint and the Answer, if any, are incorporated.

(k) “Produce” means produce in the document’s native format, e.g., payroll records maintained in Microsoft Excel files should be produced in Excel files, not paper printouts.

(l) Electronically Stored Information (ESI) must be produced in its native format. That means that a document which was originally created as a Microsoft Word file or an Excel spreadsheet must be produced as a .doc or .xls file (or successor), without redaction of metadata.

(m) Emails must be produced in .msg or .pst file format. Emails shall be produced so that the full header is accessible and readable.

(n) Native paper documents will be produced as scanned .tif files.

(o) Files may be produced via email to josh@joshuafriedmanesq.com, or by delivering a disk to the undersigned address.

(p) Unless otherwise indicated all requests pertain to the period set forth in the Complaint.

Whether or not specifically requested herein, when producing documents, Defendant is required by R. 4:18-1(b)(1) to identify to which discovery request each document responds.

INTERROGATORIES AND DOCUMENT REQUESTS

Interrogatory No. 1: Identify all persons who may have knowledge of facts concerning the allegations in the Complaint or the Answer and state your understanding of their knowledge.

Document Request No. 1: Identify and produce all documents concerning such persons' knowledge of facts relevant to the allegations in the Complaint or the Answer.

Interrogatory No. 2: Identify all persons with whom Defendant and officers of Defendant have communicated (exclusive of counsel in the instant action) concerning the allegations in the Complaint or the Answer and describe those communications.

Document Request No. 2: Identify and produce any documents concerning the communications described in Plaintiff's Interrogatory No. 2.

Interrogatory No. 3: Identify all persons whom Defendant intends to call as witnesses at trial and give a summary of their anticipated testimony. This is a continuing request and Defendant's answer must be updated as discovery progresses pursuant to R. 4:17(7).

Document Request No. 3: Identify and produce any documents concerning the witnesses identified by Defendant in response to Plaintiff's Interrogatory No. 3.

Interrogatory No. 4: For the past five years, identify all persons who have made complaints of employment discrimination, a hostile work environment, or retaliation, against Defendant's Department of Senior Services, its employees or officers; set forth the allegations of the complaint in detail; and describe in detail any action taken by the Defendant or its employees in response to the complaint. Complaints include verbal complaints, written complaints, lawsuits, agency filings, and any other means by which employees have complained about employment discrimination or a hostile work environment.

Document Request No. 4: Identify and produce all documents concerning such

complaints identified in response to Plaintiff's Interrogatory No. 4 and Defendant's response (if any).

Interrogatory No. 5: Set forth in detail which allegations in the Complaint Defendant was aware of prior to the service of the Complaint in this lawsuit. State the employee or employees who were aware of such facts, the source of their knowledge, the facts of which each such employee was aware, and Defendant's response to such facts, if any.

Document Request No. 5: Identify and produce all documents in Defendant's possession concerning the allegations in Complaint or the Answer. Identify the author of each such document and state the demand or demands to which such documents are responsive.

Interrogatory No. 6: Describe all communications of which you are aware concerning the allegations in the Complaint and the Answer.

Document Request No. 6: Identify and produce all documents concerning the communications identified in response to Plaintiff's Interrogatory No. 6. Identify the author of each such document.

Interrogatory No. 7: Identify any and all individuals who participated in any investigation initiated by Defendant in response to Plaintiff's complaints of harassment and describe the actions of such individuals in detail.

Document Request No. 7: Produce all documents concerning any investigation made by Defendant in response to Plaintiff's complaints of harassment. Identify the author of each such document.

Interrogatory No. 8: Identify each individual who made any type of complaint (written, verbal, formal, informal), or who expressed any concern about, HARASSER, vis a vis inappropriate conduct or behavior that related to gender. Include in your response the position held by the individual, the date the complaint was made or concern expressed,

whether the complaint or concern was communicated verbally or in writing, and the individual(s) to whom the complaint was made or concern expressed. If the Defendant responded in some way to the complaint, describe its response in detail and identify all persons involved.

Document Request No. 8: Produce all documents relating to the answer to Plaintiff's Interrogatory No. 8, including notes, memoranda, formal complaints, e-mails, audio or visual recordings.

Document Request No. 9: Produce all documents that reflect, refer or relate to any investigation resulting from the complaints or concerns identified in response to Plaintiff's Interrogatory No. 8.

Document Request No. 10: Produce all documents that reflect, refer or relate to and discipline imposed as a result of the complaints or concerns identified in response to Interrogatory No. 8.

Interrogatory No. 9: In the Answer, Defendant asserts an affirmative defense based on the maintenance of a policy to prevent discrimination/harassment and the Plaintiff's failure to utilize such policy. Describe any documents that reflect such a policy, identify who made the Plaintiff aware of such a policy and on what date, and describe any evidence that supports Defendant's contention that Plaintiff was made aware of such policy.

Document Request No. 11: Produce all documents concerning Defendant's policy to prevent discrimination/retaliation and Plaintiff's utilization of such policy, including without limitation any documents concerning Plaintiff's awareness of the policy and any documents concerning any training provided by Defendant to Plaintiff. Identify the author of each such document.

Document Request No. 12: Produce all documents that support, reflect, refer to any of Defendant's Affirmative Defenses, including but not limited to: 6th, 7th, 8th, 10th, 11th, 31st, 32nd and 33rd Affirmative Defenses.

Interrogatory No. 10: Does the Defendant contend that the Defendant maintained a Human Resources department or Human Resources manager during the period of the alleged harassment? If so, identify the Human Resources manager and all employees of the Human Resources department who were involved in the events alleged in the Complaint or Answer and describe their actions.

Document Request No. 13: Produce all documents contained in Plaintiff's personnel file or disciplinary file, or related to Plaintiff's employment, such as payroll records, benefits, and/or retirement plans.

Interrogatory No. 11: For the period 2000 to present, identify all persons employed by Defendant who have been or are responsible for conducting any investigations regarding complaints of employment discrimination or a hostile work environment at Defendant Department of Senior Services.

Document Request No. 14: Produce all documents concerning investigations conducted by individuals identified in Plaintiff's Interrogatory No. 11. Identify the author of each such document.

Interrogatory No. 12: Describe in detail all training provided to Defendant's employees regarding the prevention of employment discrimination/harassment, and/or retaliation, and complaint procedures, including the date and place of each such session. Identify each person who conducted each training session, and the persons who attended, and state whether attendance was mandatory.

Document Request No. 15: Produce the complete personnel and disciplinary files for, each person who is alleged to have harassed each plaintiff, including but not limited to

application for employment, attendance records, disciplinary records, performance records, criminal records and documents concerning leaves of absence, qualifications, termination and training. Identify the author of each such document.

Interrogatory No. 13: Describe fully and in detail (including the names and positions of the individuals involved, and the relevant dates) what steps, if any, Defendant took to prevent retaliation against Plaintiff after she complained about HARASSER.

Document Request No. 16: Produce all documents that refer, relate to or reflect Defendant's efforts to prevent retaliation against Plaintiff.

Document Request No. 18: Produce all documents that relate to or concern Defendant's decision to place Plaintiff on mandatory leave in 2008.

Document Request No. 19: Produce any communications, including emails and other electronically stored information, from or to HARASSER concerning Defendant's employees who have rebuffed his sexual or romantic advances.

Document Request No. 20: Produce any communications, including emails and other electronically stored information, from or to HARASSER that contain any sexual language including but not limited to the following words and phrases:

fuck, fucking, suck, sucks, ass, tit, tits, cunt, pussy, pussies, dick, dicks, cock, cocks, slut, sluts, bitch, bitches, skank, skanks, clit, clits, whore, whores, slut, sluts, porn, dildo, dildos, anal, milf, milfs, sex, sexual, sexual harassment, vagina, butt.

Document Request No. 21: Produce any communications, including emails and other electronically stored information, from or to HARASSER that contain any sexual images.

Document Request No. 22: Produce any communications, including emails and other electronically stored information, concerning HARASSER sent to or from anyone in Defendant's Department of Senior Services or Defendant's Department of Human Resources or Defendant's Department of Personnel that concerning complaints about HARASSER's conduct, including but not limited to those communications which contain the following words or phrases:

sexual, sexual harassment, harassing, harass, inappropriate, vulgar, tasteless, offensive, touch, touches, women, language, uncomfortable, near him, around him, workspace, work area, jokes

Dated: September 18, 2009

By:

CERTIFICATION OF SERVICE

On September 18, 2009, the undersigned served the forgoing on Defendant's counsel by e-mail and regular mail:

Law Offices of Joshua Friedman

A handwritten signature in black ink, appearing to read 'Daniela E. Nanau', written in a cursive style.

By:

Daniela E. Nanau
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