

Honorable John C. Coughenour

CC TO JUDGE DJ ENTERED  
LODGED RECEIVED

AUG 07 2001 DJ

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

CV 00-01596 #00000025

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

AMERICAN SEAFOODS COMPANY,

Defendant.

NO. C00-1596C

DECLARATION OF JOHN H. CHUN IN  
SUPPORT OF MOTION FOR PARTIAL  
SUMMARY JUDGMENT DISMISSING  
EEOC'S CLASS CLAIMS

Noted for August 31, 2001

CONNIE L. MARTIN,

Plaintiff-in-Intervention.

JOHN H. CHUN declares as follows:

1. I am an attorney with the law firm of Mundt MacGregor L.L.P.,  
counsel for defendant, American Seafoods Company ("ASC"), in this action.

2 Attached as Exhibit A is a true and correct copy of Connie Martin's  
Charge of Discrimination dated November 15, 1999.

3. The EEOC has conducted an extensive investigation of the charge in  
this matter.

DECLARATION OF JOHN H. CHUN IN SUPPORT  
OF MOTION FOR PARTIAL SUMMARY JUDGMENT  
DISMISSING EEOC'S CLASS CLAIMS - 1

MUNDT MACGREGOR LLP  
ATTORNEYS AT LAW

999 Third Avenue Suite 4200 Seattle, Washington 98104-4082  
Telephone (206) 624-5950

1           4.     Attached as Exhibit B is a true and correct copy of the EEOC's  
2 Determination dated January 12, 2000.

3           5.     Since commencing this action, the EEOC has conducted extensive  
4 discovery.

5           6.     Attached as Exhibit C is a true and correct copy of Defendant  
6 American Seafoods Company's Second Set of Discovery Requests to the EEOC dated May  
7 8, 2001.

8           7.     Attached as Exhibit D is a true and correct copy of a transcript of a  
9 voice message I received from Kathryn Olson, counsel for the EEOC, on June 8, 2001.

10          8.     Attached as Exhibit E is a true and correct copy of a letter dated June  
11 8, 2001 from Kathryn Olson to John H. Chun.

12          9.     Attached as Exhibit F is a true and correct copy of Defendant  
13 American Seafoods Company's Second Set of Discovery Requests to the EEOC and  
14 Responses Thereto dated June 26, 2001.

15          10.    Attached as Exhibit G is a true and correct copy of Defendant  
16 American Seafoods Company's Third Set of Discovery Requests to the EEOC dated June  
17 6, 2001

18          11.    Attached as Exhibit H is a true and correct copy of Defendant  
19 American Seafoods Company's Third Set of Discovery Requests to the EEOC and  
20 Responses Thereto dated July 20, 2001.

21          12.    Attached as Exhibit I is a true and correct copy of a letter dated July  
22 31, 2001 from John H. Chun to Carmen Flores. On August 2, 2001, counsel for the EEOC  
23 advised me that the EEOC would not be able to provide the information requested in my  
24 July 31 letter until the week of August 6, 2001. As of the date of this declaration, I have not  
25 received the requested information.  
26

1 I declare under penalty of perjury under the laws of the State of Washington  
2 that the foregoing is true and correct.

3 DATED at Seattle, Washington this 7<sup>th</sup> day of August, 2001.

4  
5   
6 JOHN H. CHUN

7 \\JCT\PLEADINGS\PDECCHUNCLASS-1058-138A.DCC  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26



# CHARGE OF DISCRIMINATION

Case 2:00-cv-01596-JCC

Document 25

Filed 08/07/2001

Page 5 of 51

This form is affected by the Privacy Act of 1974; See Privacy Act Statement on back of this form.

1974; See Privacy Act Statement on back of this form.

EEOC

380A00098

Washington State Human Rights Comm  
State or local Agency, if any

and EEOC

(Indicate Mr., Ms., Mrs.)

Connie L. Martin

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

10 Scott McKay P.O. Box 2772, 303 West Bannock, Boise, ID 83720, 08/16/1956

NAME OF THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, OR SHIP COMPANY, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST YOU (See first page)

American Seafoods Company

NUMBER OF EMPLOYEES/MEMBERS (Include you if you are an employee/member)

Cat U (Unknown)

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

025 First Ave., 900, Seattle, WA 98121

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

TYPE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify)

DATE OF DISCRIMINATION (If you do not know, put "EARLIEST")

01/09/1999

01/09/1999

DATE OF CONTINUING ACTION

PARTICULARS ARE (If additional space is needed, attach extra sheet(s))

On January 8, 1999 I informed American Seafoods that I was pregnant and inquired of the company policy regarding pregnancy. The company representative advised me that she would have to get baby for me and when he did later that same day I was advised that I had been replaced. I believe that I have been discriminated against in violation of Title VII of the Civil Rights Act of 1964, as amended.

RECEIVED  
EEOC  
NOV 15 A 11:58

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures. I understand the penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)

Charging Party (Signature)

EXHIBIT





**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Seattle District Office**  
**JAN 12 2000**

Federal Office Building  
909 First Ave., Suite 400  
Seattle, WA 98104-1061  
PH (206) 220-6883  
TDD (206) 220-6882  
FAX (206) 220-6911

Charge 380A00098

Connie L. Martin  
c/o Scott McKay  
P O. Box 2772  
303 West Bannock  
Boise, ID 83701

Charging Party

American Seafoods Company  
2025 First Avenue, Suite 900  
Seattle, WA 98121

Respondent

**DETERMINATION**

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended (Title VII)

All requirements for coverage have been met. Charging Party alleged that she was discriminated against in violation of Title VII, in that she was denied employment because she was pregnant

During the investigation, all relevant, available witnesses were interviewed, and all relevant documents were reviewed. In the course of the investigation, the EEOC discovered that Charging Party had applied for the position of cook aboard one of Respondent's factory trawlers. Upon learning that Charging Party was pregnant, Respondent informed Charging Party that she would not be hired at that time. After Charging Party wrote a letter to Respondent's Human Resources representative complaining that she had not received a job offer due to her pregnancy, Respondent ignored the complaint and did not offer Charging Party the job of cook. Rather, in August 1998, Respondent offered Charging Party the job of galley assistant, despite the fact that Charging Party worked as a cook for Respondent for several seasons. Despite Charging Party's complaint letter and after Charging Party informed Respondent she was no longer pregnant, Respondent still has yet to offer Charging Party a cook's position.

The facts summarized above indicate that Respondent discriminated against Charging Party

**EXHIBIT** B

000026

because of her pregnancy. Further, the evidence shows that Respondent retaliated against the Charging Party for complaining that she was not hired due to her pregnancy. Additional evidence of retaliatory action by the Respondent includes Respondent's attempts to induce Charging Party to consider withdrawing her EEOC charge in exchange for a job offer in the 2000 "A" season.

The EEOC also discovered during its investigation that the Respondent has no pregnancy policy and that other similarly situated pregnant women may have been affected by the Respondent's treatment/attitude toward pregnant employees on its processing vessels.

I have considered all the evidence disclosed during the investigation and have determined that there is reasonable cause to believe that Respondent violated Title VII where it refused to hire Charging Party because of pregnancy. I also find that there is evidence that Respondent retaliated against Charging Party for complaining about the discrimination. Respondent also retaliated against Charging Party when it attempted to induce Charging Party to withdraw her EEOC charge in exchange for a job offer for the upcoming 2000 "A" season. Finally, based upon our investigation, the EEOC believes that Respondent's policies and practices regarding pregnancy, including Respondent's lack of any written policy, violates Title VII and had adverse employment consequences for Charging Party and similarly situated female employees.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The Commission will also consider compensatory and punitive damages under the Civil Rights Act of 1991.

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission. A Commission representative will contact each party in the near future to begin conciliation.

On behalf of the Commission

  
JEANETTE M. LEINO  
DISTRICT DIRECTOR

cc: Melissa A. Weiland, Attorney  
MUNDT MACGREGOR

000027





Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

AMERICAN SEAFOODS COMPANY,

Defendant.

NO. C00-1596C

DEFENDANT AMERICAN SEAFOODS  
COMPANY'S SECOND SET OF  
DISCOVERY REQUESTS TO THE EEOC

CONNIE L. MARTIN,

Plaintiff-in-Intervention.

TO: Plaintiff, Equal Employment Opportunity Commission, and its attorneys.

INTERROGATORIES

INTERROGATORY NO. 1: With respect to each of the causes of action asserted in your complaint in this matter,

- a. Please state all facts relating to each such cause of action;
- b. Identify all persons known or believed to have knowledge relating to each such cause of action and provide a brief summary of each such person's knowledge; and
- c. Identify all documents related to each such cause of action.

ANSWER:

INTERROGATORY NO. 2: Please describe in detail the class of persons you allege to be aggrieved in this matter. In this description, please include, without limitation, the following information:

- a. Please identify all persons whom you believe to be "similarly situated females," as stated on page 1 of your complaint, as well as in paragraphs 7

**EXHIBIT**

DEFENDANT AMERICAN SEAFOODS  
COMPANY'S SECOND SET OF DISCOVERY  
REQUESTS TO THE EEOC- 1

**COPY**

MUNDT MACGREGOR LLP  
ATTORNEYS AT LAW

999 Third Avenue Suite 4200 Seattle, Washington 98104-4082

and 8 of the complaint and in paragraphs C, D, and E of the complaint's prayer for relief.

- b. Please identify all persons other than Connie Martin whom you believe fall within the scope of your complaint.
- c. For any persons identified in subsection (a) of this Interrogatory, please state how and why such persons are "similarly situated."
- d. For any persons identified in subsection (b) of this Interrogatory, please state how and why such persons fall within the scope of your complaint.

ANSWER:

INTERROGATORY NO. 3: With respect to each member of the class you identify in response to Interrogatory No. 2, please provide the details of that class member's claim(s) against ASC. Include, without limitation, the following information:

- a. The class member's employment position;
- b. The class member's period(s) of employment;
- c. The vessel(s) involved in the class member's claim(s);
- d. All facts relating to each of the class member's claims against ASC. Please be sure to make clear which facts pertain to which claim(s).
- e. Identify all persons known or believed to have knowledge relating to the class member's claim(s) and provide a brief summary of each such person's knowledge. Please be sure to make clear which persons have knowledge about which claim(s).
- f. Identify all documents that pertain to the class member's claim(s). Please be sure to make clear which documents pertain to which claim(s).

ANSWER:

INTERROGATORY NO. 4: Please state the total amount of damages you seek to recover in this action and provide an itemization of each element of such damages, including the arithmetic used to calculate the damages.

ANSWER:

INTERROGATORY NO. 5: Please state what remedy or remedies you seek with respect to each class member identified in Interrogatory No. 2.

ANSWER:

1 INTERROGATORY NO. 6: Please identify each person whom you expect to call as  
2 a fact witness at trial. With respect to each such person, please provide a brief summary of  
3 that person's relevant knowledge.

4 ANSWER:

5  
6 INTERROGATORY NO. 7: Please identify each person whom you expect to call as  
7 an expert witness at trial. With respect to each such person, please provide the following  
8 information:

- 9 a. The subject matter on which the expert is expected to testify;  
10 b. The substance of the facts and opinions to which the expert is expected to  
11 testify and a summary of the grounds for each opinion;  
12 c. All other information about the expert as may be discoverable under the  
13 governing rules of procedure; and  
14 d. Identify all documents provided to, reviewed, or prepared by the expert.

15 ANSWER:

16  
17  
18 INTERROGATORY NO. 8: To the extent not set forth in your answers to the  
19 previous interrogatories, please identify every other person known or believed to have  
20 knowledge relating to any of the allegations in your complaint, including allegations  
21 regarding your damages, and provide a summary of each such person's knowledge.

22 ANSWER:

23 REQUESTS FOR PRODUCTION

24 REQUEST FOR PRODUCTION NO. 2: All documents required to be identified in  
25 your answers to the foregoing interrogatories and/or referred to or relied upon in  
26 answering the foregoing interrogatories.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: All documents reflecting any damages,  
harm, or injuries for which you seek redress in this suit.

RESPONSE:

1  
2 REQUEST FOR PRODUCTION NO. 4: All documents provided to, reviewed by,  
3 considered by, relied upon, prepared by, or included in the file of any expert witness you  
4 have disclosed in this case.

5  
6 RESPONSE:

7 REQUEST FOR PRODUCTION NO. 5: All documents that you intend or may seek  
8 to introduce into evidence at the trial of this matter.

9  
10 RESPONSE:


11 REQUEST FOR PRODUCTION NO. 6: All documents reflecting you or your  
12 attorneys' communications with Connie Martin and/or her counsel in connection with this  
13 matter.

14  
15 RESPONSE:

16 Instructions are attached hereto

17 INTERROGATORIES AND REQUESTS FOR PRODUCTION  
18 PROPOUNDED this 8<sup>th</sup> day of May, 2001.

19 MUNDT MacGREGOR L.L.P.

20 By   
21 Jay H. Zulauf  
22 WSB No. 2277  
23 John H. Chun  
24 WSB No. 24767  
25 Attorneys for Defendant  
26

VERIFICATION

\_\_\_\_\_, of the Equal Employment Opportunity Commission, declares as follows:

I am the \_\_\_\_\_ of the Equal Employment Opportunity Commission, the plaintiff in the above-referenced action. I have reviewed the within and foregoing answers and responses to Defendant ASC's Second Set of Discovery Requests to the EEOC, know the contents thereof, and believe the same to be true and correct.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

by \_\_\_\_\_

Its \_\_\_\_\_

CERTIFICATION

The undersigned attorney for the Equal Employment Opportunity Commission has read the foregoing Defendant ASC's Second Set of Discovery Requests to the EEOC and has read the EEOC's answers and responses thereto and hereby certifies that the EEOC's answers and responses are in compliance with CR 26(g).

Dated this \_\_\_\_ day of \_\_\_\_\_, 2001.

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

By \_\_\_\_\_  
A. Luis Lucero, Jr.  
Lisa M. Guarnero  
Attorneys for Plaintiff  
Equal Employment Opportunity Commission

## INSTRUCTIONS TO THE EEOC AND ITS ATTORNEYS

Defendant, American Seafoods Company, requests that Equal Employment Opportunity Commission answer these interrogatories in writing, under oath, within thirty (30) days after service pursuant to Fed. R. Civ. P. 33. The interrogatories seek all information available to Equal Employment Opportunity Commission whether such information is within Equal Employment Opportunity Commission's personal knowledge or is otherwise available to Equal Employment Opportunity Commission or its attorneys. The interrogatories shall be deemed continuing so as to require additional answers if Equal Employment Opportunity Commission obtains further information between the time the answers are served and the time of trial.

Defendant, American Seafoods Company, also requests, pursuant to Fed. R. Civ. P. 34, that Equal Employment Opportunity Commission serve written responses to these requests for production of documents and that Equal Employment Opportunity Commission produce and permit Defendant, American Seafoods Company to inspect and copy documents and other tangible things requested herein at the offices of Mundt MacGregor L.L.P., 999 Third Avenue, Suite 4200, Seattle, Washington, 98104-4082, or such other place as may be mutually agreed, within thirty (30) days after service. The requests for production of documents seek all documents in the possession, custody or control of Equal Employment Opportunity Commission or otherwise available to Equal Employment Opportunity Commission or its attorneys.

## DEFINITIONS

As used in these interrogatories and requests for production of documents, the following words and phrases shall have the following meanings:

A. Person. "Person" is meant to include any individual, entity or organization of any type.

B. Document. "Document" means any medium upon which intelligence or information can be recorded or retrieved, including, without limitation, the original and each non-identical copy (whether non-identical because of alteration, attachments, blanks, comments, notes, underlining or otherwise) of any book, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting or conversation), invoice, bill, order form, receipt, financial statement, accounting entry, diary, calendar, telex, telegram, cable, report, record, contract, agreement, study, handwritten note, draft, working paper, chart, paper, print, laboratory record, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet or data processing card, or any other written, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced. Without limiting the foregoing, "document" as used herein shall include any information maintained in electronic form, whether as e-mail, on hard drives, on "floppy disks," or in any other electronic form or medium whatsoever.

C. Identify.

(1) The term "identify" when used in reference to a natural person shall mean to state the person's full name, most recent business and residence addresses, current telephone number, and if known, his most recent business title.



1  
2 (2) The term "identify" when used in reference to a document  
3 means to state the date, the type of document, its title, author(s), signer(s), recipient(s) and  
4 all such other information as may be needed to describe it with particularity, together with  
its present or last-known location or custodian. If any document was, but is no longer, in  
your possession or subject to your control, state what disposition was made and, if any,  
the reason for such disposition.

5 (3) With reference to "documents," in lieu of specifically  
6 identifying documents that are requested above, documents responsive to each  
7 interrogatory may be generally described (with enough particularity to show which  
document is responsive to the interrogatory) and produced for inspection or copying.

8 D. Or. The term "or" should not be read to eliminate any part of any  
9 interrogatory or document request, but, whenever possible, should be used in the sense  
that the phrase "and/or" is normally used.

10 E. Claim of Privilege. For each document and communication as to  
11 which privilege is claimed, state the date of the document, the author, the recipient(s) of  
the document/communication, the general subject of the document/communication, and  
the basis for the claim of privilege.

12 F. Relating. A communication or document "relating" to any given  
13 subject means any communication or document that constitutes, contains, embodies,  
14 reflects, identifies, states, refers to, deals with, or is in any way pertinent to that subject,  
including, without limitation, documents concerning the preparation of other documents.

15 \\MUNDT\USERDOCS\SMR\PINTS&RFP\EEOC-1058-138A.DOC  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26



Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

AMERICAN SEAFOODS COMPANY,

Defendant.

NO. C00-1596C

CERTIFICATE OF SERVICE

CONNIE L. MARTIN,

Plaintiff-in-Intervention.

Brian E. Spangler makes the following declaration:

On May 8, 2001, I caused to be served via NW Legal Support Inc. and via  
facsimile a true copy of "Defendant American Seafoods Company's Second Set of  
Discovery Requests to the EEOC" and this "Certificate of Service on the following::

(Via Messenger)

Ms. Lisa Guarnero  
Equal Employment Opportunity Commission  
Seattle District Office  
Federal Office Building  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1061

CERTIFICATE OF SERVICE - 1

COPY

MUNDT MACGREGOR LLP  
ATTORNEYS AT LAW

999 Third Avenue Suite 4200 Seattle, Washington 98104-4082  
Telephone (206) 624-5950

(Via Fax)

Mr. Scott McKay  
Nevin, Herzfeld, Benjamin & McKay LLP  
303 West Bannock  
Post Office Box 2772  
Boise, Idaho 83701

I declare under penalty of perjury under the laws of the State of Washington  
that the foregoing is true and correct.

DATED at Seattle, Washington this 8th day of May, 2001.

  
Brian E. Spangler

\\MUNDT\USERDOCS\JCT\PLEADINGS\PCERTOPSERV-1658-138A.DOC

CERTIFICATE OF SERVICE - 2

**MUNDT MACGREGOR** LLP  
ATTORNEYS AT LAW

999 Third Avenue Suite 4200 Seattle, Washington 98104-4082  
Telephone (206) 624-5950



**TRANSCRIPT OF VOICE MESSAGE  
FROM KATHRYN OLSON ON JUNE 8, 2001**

Hi, John, this is Kathryn Olson calling from the EEOC on the um Martin versus American Seafoods Company case. Um, I ah, just got off the phone with Carmen---she's been in depositions all week and um, she was trying to pull together some ah discovery responses for you that were due out today apparently and um, we need a little bit of extra time to finish it. I, looking through it, it looks like it's, you're primarily interested in getting information on the um, the class that we're considering We're um, have been pretty busy this week pulling together um, whatever information on class members we've got and, I think that if we have an extension, we're going to be in a position of giving you, you know, everything, as opposed to anything piecemeal. And, ah, it's also looking like, um, that we're, we're not dealing with a very large class to begin with. Um, anyway, would the, what I'm asking for is for an extension on, ah, the response to defendant's second set of the, re, ah, discovery requests to the EEOC Um, I'm guessing that we probably only need another week but just to um, be on the safe side, if we could have another couple weeks to respond with that class member information, that would be great Um, so, what I would like to ask for is an extension until June 22<sup>nd</sup> Um, and, um, again, whatever information we pull together, if we get it together sooner we'll be happy to share it with you sooner than that, but just for the record to have an extension until the 22<sup>nd</sup>. Um, if you could give me a call and let me know if this is okay. My number is 206-220-6895. I appreciate it, John I look forward to hearing from you Thanks.

**AUDIOTAPE RECORDING OF VOICE MESSAGE AVAILABLE.**

\\MUNDT2\USERDOCS\JCT\PLEADINGS\VOICEMSGKOLSON-1058-138A.DOC





**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Seattle District Office**

Federal Office Building  
909 First Avenue, Suite 400  
Seattle, WA 98104-1061  
(206) 220-6883  
TTY (206) 220-6882  
FAX (206) 220-6911

June 8, 2001

RECEIVED  
JUN 8 2001

MUNDT MacGREGOR LLP

Jay Zulauf, Esq.  
John Chun, Esq.  
Mundt MacGregor LLP  
999 Third Avenue, Suite 4200  
Seattle, Washington 98104-4082

Re: EEOC v. American Seafoods Company, No. C00-1598C

Dear John:

I did not receive a return call from you after leaving a message earlier today regarding EEOC's response to Defendant's Second Set of Discovery Requests. In my message, I indicated that EEOC was not quite finished gathering the information concerning potential class members which you seek in the discovery requests. I suggested that the parties agree to an extension until June 22, 2001, for the EEOC to provide a response to Defendant's Second Set of Discovery. I assume since I did not hear back from you that this extension is acceptable to Defendant. If this is not the case, please contact me immediately. Otherwise, EEOC will provide the discovery responses no later than June 22.

If there are any questions, I can be reached at 206/220-6895. Thank you for your cooperation.

Sincerely,

Kathryn Olson  
Supervisory Trial Attorney

cc: Scott McKay, Esq.  
Reba Weiss, Esq.

EXHIBIT E



HONORABLE JOHN C. COUGHENOUR

RECEIVED  
JUL 27 2001

MUNDI MAC SHELDON LLP

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

and

CONNIE L. MARTIN,

Plaintiff-in-Intervention,

v

AMERICAN SEAFOODS COMPANY,

Defendant.

NO C00-1596C

DEFENDANT AMERICAN SEAFOODS  
COMPANY'S SECOND SET OF  
DISCOVERY REQUESTS TO THE EEOC  
AND RESPONSES THERETO

GENERAL OBJECTIONS

Plaintiff EEOC objects to defendant American Seafoods Company's (hereinafter "the defendant") First Discovery Requests to EEOC to the extent they seek information not required to be disclosed under the applicable court rules. EEOC objects to defendant's discovery requests to the extent the requests seek information that is overly broad or burdensome and to the extent the requests seek information not reasonably calculated to lead to the discovery of admissible evidence.

EEOC further objects to defendant's discovery requests to the extent the requests

**EXHIBIT** F



1 seek information protected by the attorney-client privilege and/or the attorney work product  
2 doctrine or any other such privileges, and declines to release any such information.

3 EEOC objects to the defendant's discovery requests to the extent that they seek  
4 facts, documents and/or information already known and/or equally available to the  
5 defendants. EEOC also objects to the instructions portion of defendant's discovery  
6 requests to the extent the supplementation requirement purportedly imposed exceeds that  
7 existing under the applicable court rules, and to the extent that it requires information  
8 regarding privileged documents which is not required to be disclosed under applicable  
9 court rules and to the extent that it requires information already known and/or equally  
10 available to the defendant.

11 EEOC objects to the defendant's discovery requests to the extent they seek  
12 information or documents beyond the custody and control of the EEOC or not in its  
13 possession. All responses to defendant's discovery requests are made on the basis of  
14 information presently available to the EEOC from a reasonable and diligent investigation of  
15 the facts and a reasonable search of the files. All responses made herein are subject to  
16 change if further information should be obtained.

17 Nothing set out in EEOC's specific objections is intended, or should be construed,  
18 as a waiver of these general objections. Reiteration of a general objection and answer or  
19 response to a specific interrogatory or request for production is not intended, and should  
20 not be construed, as a waiver of any general objection with regard to any of the  
21 interrogatories or requests for production addressed by defendant to EEOC.

22 Without waiving and subject to the foregoing objections and clarifications, EEOC  
23 responds as follows to defendants' discovery requests.

INTERROGATORIES

INTERROGATORY NO. 1: With respect to each of the causes of action asserted in your complaint in this matter,

- e. Please state all facts relating to each such cause of action,
- f. Identify all persons known or believed to have knowledge relating to each such cause of action and provide a brief summary of each such person's knowledge; and
- g. Identify all documents related to each such cause of action

ANSWER: See General Objections. The EEOC also objects insofar as this interrogatory requests information covered by the governmental deliberative process, attorney-client or work product privileges or that is otherwise subject to the conciliation disclosure provisions of Title VII. Without waiving its objections, the EEOC further responds as follows: simultaneous to the EEOC's responses to these interrogatories, the EEOC previously responded to defendant's Requests for Production by producing EEOC's business records, i.e., its entire investigative file. Pursuant to Fed. R. Civ. P. 33(d), EEOC refers defendant to those records for the answer to this interrogatory (Bates Nos. 000001-000126). The EEOC reserves the right to supplement this answer.

INTERROGATORY NO. 2: Please describe in detail the class of persons you allege to be aggrieved in this matter. This description should include, without limitation, the following information:

- a. Please identify all persons whom you believe to be "similarly situated females," as stated on page 1 of your complaint, as well as in paragraphs 7 and 8 of the complaint and in paragraphs C, D, and E of the complaint's prayer for relief.
- b. Please identify all persons other than Connie Martin whom you believe fall within the scope of your complaint.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
Federal Office Building  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1051  
Telephone (206) 220-6883  
Fax (206) 220-6911  
TDD (206) 220-6882

1 c. For any persons identified in subsection (a) of this Interrogatory, please state  
2 how and why such persons are "similarly situated."

3 d. For any persons identified in subsection (b) of this Interrogatory, please state  
4 how and why such persons fall within the scope of your complaint.

5 ANSWER:

6 There are no identified class members at this time. However, discovery is on-going  
7 and should other information come to light this response will be supplemented  
8 immediately.

9 INTERROGATORY NO. 3: With respect to each member of the class you identify in  
10 response to Interrogatory No. 2, please provide the details of that class member's claim(s)  
11 against ASC. Include, without limitation, the following information:

- 12 a. The class member's employment position;  
13 b. The class member's period(s) of employment;  
14 c. The vessel(s) involved in the class member's claim(s);  
15 d. All facts relating to each of the class member's claims against ASC. Please  
16 be sure to make clear which facts pertain to which claim(s).  
17 e. Identify all persons known or believed to have knowledge relating to the class  
18 member's claim(s) and provide a brief summary of each such person's  
19 knowledge. Please be sure to make clear which persons have knowledge  
20 about which claim(s).  
21 f. Identify all documents that pertain to the class member's claim(s). Please be  
22 sure to make clear which documents pertain to which claim(s).

23 ANSWER:

24 See answer to Interrogatory No. 2 above.

25 INTERROGATORY NO. 4: Please state the total amount of damages you seek to  
26 recover in this action and provide an itemization of each element of such damages,  
27 including the arithmetic used to calculate the damages.

1        ANSWER:

2        See response to Interrogatory No. 2 above.

3        INTERROGATORY NO. 5: Please state what remedy or remedies you seek with  
4 respect to each class member identified in Interrogatory No. 2.

5        ANSWER:

6        See response to Interrogatory No. 2 above.

7        INTERROGATORY NO. 6: Please identify each person whom you expect to call as  
8 a fact witness at trial. With respect to each such person, please provide a brief summary  
9 of that person's relevant knowledge.

10       ANSWER:

11       Discovery is on-going so the final determination has not been made. However, at  
12 this time it is believed that the following individuals will be called as fact witnesses:

13       Connie Martin: nature of workplace pregnancy policies; nature of replacement and  
14 termination/no-rehire designation.

15       Rene Vargas: nature of workplace pregnancy policies, nature of Connie Martin's  
16 replacement and termination/no-hire designation.

17       Tammy French: nature of workplace pregnancy policies; disciplinary procedures;  
18 nature of Connie Martin's replacement and termination/no-rehire designation.

19       Kathy Udoff: nature of workplace policies; nature of Connie Martin's replacement  
20 and termination/no-rehire designation.

21       Joe Gregson: nature of workplace pregnancy policies; disciplinary procedures;  
22 nature of Connie Martin's termination/no-rehire designation.

23       Captain Sandy Ritchie: nature of workplace pregnancy policy; disciplinary  
24 procedures; nature of Connie Martin's termination/no-rehire designation.

25       Craig Baxter: Connie Martin's pregnancy; nature of Connie Martin's replacement  
26 and termination/no-rehire designation; nature of Connie Martin's emotional distress  
27

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
Federal Office Building  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1061  
Telephone (206) 220-6883  
Fax (206) 220-6811  
TDD (206) 220-6882

1 Michelle Moodie: nature of workplace pregnancy policy; Connie Martin's pregnancy;  
2 nature of Connie Martin's replacement and termination/no-rehire designation; nature of  
3 Connie Martin's emotional distress.

4 INTERROGATORY NO. 7: Please identify each person whom you expect to call as  
5 an expert witness at trial. With respect to each such person, please provide the following  
6 information:

- 7 a. The subject matter on which the expert is expected to testify;  
8 b. The substance of the facts and opinions to which the expert is expected to  
9 testify and a summary of the grounds for each opinion;  
10 c. All other information about the expert as may be discoverable under the  
11 governing rules of procedure; and  
12 d. Identify all documents provided to, reviewed, or prepared by the expert

13 ANSWER:

14 Dr. Pamela Baglien, treating psychologist-will testify about Connie Martin's  
15 emotional distress and treatment.

16 Dan Harper, economist-will testify on Connie Martin's damages.

17 This information was provided by private counsel, Scott McKay.

18 INTERROGATORY NO. 8: To the extent not set forth in your answers to the  
19 previous interrogatories, please identify every other person known or believed to have  
20 knowledge relating to any of the allegations in your complaint, including allegations  
21 regarding your damages, and provide a summary of each such person's knowledge.

22 ANSWER:

23 None at this time. Discovery is on-going, and if additional witnesses have  
24 information responsive to this interrogatory, this response will be supplemented.

25 ///

26 ///

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 2: All documents required to be identified in your answers to the foregoing interrogatories and/or referred to or relied upon in answering the foregoing interrogatories.

RESPONSE:

See response to Interrogatory No. 2 above. Attorney Scott McKay has already provided documents responsive to Interrogatory No. 7.

REQUEST FOR PRODUCTION NO. 3: All documents reflecting any damages, harm, or injuries for which you seek redress in this suit.

RESPONSE:

None at this time. Discovery is on-going. These documents will be provided as soon as they become available.

REQUEST FOR PRODUCTION NO. 4: All documents provided to, reviewed by, considered by, relied upon, prepared by, or included in the file of any expert witness you have disclosed in this case

RESPONSE:

None at this time.

REQUEST FOR PRODUCTION NO. 5: All documents that you intend or may seek to introduce into evidence at the trial of this matter.

RESPONSE.

Discovery is on-going. This response will be supplemented as soon as that determination has been made.

REQUEST FOR PRODUCTION NO. 6: All documents reflecting you or your attorneys' communications with Connie Martin and/or her counsel in connection with this matter.

1 RESPONSE:

2 Objection. Privileged and confidential. Also, see General Objections.

3  
4 DATED this 26 day of June, 2001

5  
6 A. LUIS LUCERO, JR.  
Regional Attorney

GWENDOLYN YOUNG REAMS  
Acting Deputy General Counsel

7 KATHRYN OLSON  
8 Supervisory Trial Attorney

9 CARMEN FLORES  
Trial Attorney

10  
11 BY Carmen Flores

12 EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
13 Seattle District Office  
14 909 First Avenue, Suite 400  
Seattle, Washington 98104  
Telephone (206) 220-6917

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
Office of the General Counsel  
1801 "L" Street, N.W.  
Washington, D.C. 20507

15 Attorneys for Plaintiff EEOC  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
Federal Office Building  
909 First Avenue, Suite 400  
Seattle Washington 98104-1081  
Telephone (206) 220-6883  
Fax (206) 220-6911  
TDD (206) 220-6882



VERIFICATION

I, Carmen Flores of the Equal Employment Opportunity Commission, declares as follows:

I am the Representative of the Equal Employment Opportunity Commission, the plaintiff in the above-referenced action. I have reviewed the within and foregoing answers and responses to Defendant ASC's Second Set of Discovery Requests to the EEOC, know the contents thereof, and believe the same to be true and correct.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

by Carmen Flores

Its Representative / Trial Attorney

CERTIFICATION

The undersigned attorney for the Equal Employment Opportunity Commission has read the foregoing Defendant ASC's Second Set of Discovery Requests to the EEOC and has read the EEOC's answers and responses thereto and hereby certifies that the EEOC's answers and responses are in compliance with CR 26(g)

Dated this 26th day of June, 2001.

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

By

C. Olson

A. Luis Lucero, Jr.  
Kathryn Olson  
Carmen Flores  
Attorneys for Plaintiff  
Equal Employment Opportunity  
Commission

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
Federal Office Building  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1061  
Telephone (206) 220-6883  
Fax (206) 220-6911  
TDD (206) 220-6882



**CERTIFICATE OF SERVICE**

I hereby certify that I served Defendant American Seafoods Company's Second Set of Discovery Requests to the EEOC and Responses Thereto on:

Jay H. Zulauf, Esq.  
John H. Chun, Esq.  
Mundt MacGregor LLP  
999 Third Avenue, Suite 4200  
Seattle, WA 98104-4082

Attorneys for Defendant

Scott McKay, Esq.  
Nevin, Herzfeld, Benjamin & McKay  
303 W. Bannock, PO Box 2772  
Boise, ID 83701

Reba Weiss, Esq.  
3316 Fuhrman Ave. East  
Suite 250  
Seattle WA 98102

Attorneys for Plaintiff-in-Intervention

by the following indicated method or methods:

- ☒ by mailing a copy thereof in a sealed, first-class postage-paid envelope, addressed to the attorney(s) listed above, and deposited with the United States Postal Service at Seattle, Washington, on the date set forth below.
- ☐ by hand delivering a copy thereof to the attorneys for Defendant listed above, on the date set forth below.
- ☐ by sending via overnight courier a copy thereof in a sealed, postage paid envelope, addressed to the attorney(s) listed above, on the date set forth below.
- ☐ by faxing a copy thereof to the attorney(s) at the fax number(s) shown above, on the date set forth below.

DATED this 26th day of June, 2001.

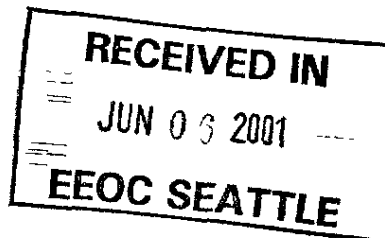
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

  
VICTORIA RICHARDSON

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1061  
Telephone: (206) 220-6883  
Facsimile: (206) 220-6911  
TDD: (206) 220-6882

CERTIFICATE OF SERVICE





Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )

Plaintiff, )

v. )

AMERICAN SEAFOODS COMPANY, )

Defendant. )

CONNIE L. MARTIN, )

Plaintiff in Intervention. )

NO. C00-1596C

DEFENDANT AMERICAN SEAFOODS  
COMPANY'S THIRD SET OF  
DISCOVERY REQUESTS TO THE EEOC

TO: Plaintiff Equal Employment Opportunity Commission and its attorneys.

INTERROGATORIES

INTERROGATORY NO. 9: Please update and supplement your answers to interrogatories 1 through 8 in Defendant American Seafoods Company's Second Set of Discovery Requests to the EEOC to make your answers true, complete, accurate, and current as of the date of your answer to this interrogatory.

ANSWER:

**EXHIBIT**

G

DEFENDANT ASC'S THIRD DISCOVERY  
REQUESTS TO THE EEOC - 1

MUNDT MACGREGOR LLP  
ATTORNEYS AT LAW

999 Third Avenue Suite 4200 - Seattle, Washington 98104-4082  
TEL: (206) 424-6060

1  
2  
3 **INTERROGATORY NO. 10:** Please identify all persons you may call at trial in this  
4 matter. With respect to each such person, please provide a summary of their anticipated  
5 testimony.

6 **ANSWER:**  
7  
8

9 **REQUEST FOR PRODUCTION**  
10


11 **REQUEST FOR PRODUCTION NO. 7:** Please update and supplement your  
12 responses to Requests for Production 1 through 6 in Defendant ASC's First Request for  
13 Production, and American Seafoods Company's Second Set of Discovery Requests to the  
14 EEOC to make them true, complete, accurate, and current as of the date of your response  
15 to this request for production.

16 **RESPONSE:**  
17  
18

19 Instructions are attached hereto.  
20

21 **INTERROGATORIES AND REQUEST FOR PRODUCTION PROFOUNDED**  
22 this 6<sup>th</sup> day of June, 2001.  
23  
24  
25  
26

MUNDT MacGREGOR L.L.P.

By 

Jay H. Zulauf

WSB No. 2277

John H. Chun

WSB No. 24767

Attorneys for Defendant American Seafoods  
Company

VERIFICATION

\_\_\_\_\_, \_\_\_\_\_ of the Equal Employment  
Opportunity Commission, declares as follows:

I am the \_\_\_\_\_ of the Equal Employment Opportunity  
Commission, the plaintiff in the above-referenced action. I have reviewed the within and  
foregoing response to Defendant ASC's Third Discovery Requests to the EEOC, know the  
contents thereof, and believe the same to be true and correct.

I declare under penalty of perjury under the laws of the State of Washington  
that the foregoing is true and correct.

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

by \_\_\_\_\_

Its \_\_\_\_\_

CERTIFICATION

The undersigned attorney for the Equal Employment Opportunity Commission has read the foregoing Defendant ASC's Third Discovery Requests to the EEOC and has read the EEOC's response thereto and hereby certifies that the EEOC's response is in compliance with CR 26(g).

Dated this \_\_\_\_ day of \_\_\_\_\_, 2001.

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

By \_\_\_\_\_  
A. Luis Lucero, Jr.  
Lisa M. Guarnero  
Attorneys for Plaintiff  
Equal Employment Opportunity Commission

INSTRUCTIONS TO THE EEOC AND ITS ATTORNEYS

Defendant, American Seafoods Company, requests pursuant to Fed. R. Civ. P. 34 that Equal Employment Opportunity Commission serve a written response to this request for production of documents and that Equal Employment Opportunity Commission produce and permit Defendant, American Seafoods Company to inspect and copy documents and other tangible things requested herein at the offices of Mundt MacGregor L.L.P., 999 Third Avenue, Suite 4200, Seattle, Washington, 98104-4082, or such other place as may be mutually agreed, within thirty (30) days after service. The requests for production of documents seek all documents in the possession, custody or control of Equal Employment Opportunity Commission or otherwise available to Equal Employment Opportunity Commission or its attorneys.

DEFINITIONS

As used in this request for production of documents, the following words and phrases shall have the following meanings:

1  
2  
3 A. Person. "Person" is meant to include any individual, entity or  
organization of any type.

4  
5 B. Document. "Document" means any medium upon which intelligence  
6 or information can be recorded or retrieved, including, without limitation, the original and  
7 each non-identical copy (whether non-identical because of alteration, attachments, blanks,  
8 comments, notes, underlining or otherwise) of any book, pamphlet, periodical, letter,  
9 memorandum (including any memorandum or report of a meeting or conversation),  
10 invoice, bill, order form, receipt, financial statement, accounting entry, diary, calendar,  
11 telex, telegram, cable, report, record, contract, agreement, study, handwritten note, draft,  
12 working paper, chart, paper, print, laboratory record, drawing, sketch, graph, index, list,  
tape, photograph, microfilm, data sheet or data processing card, or any other written,  
recorded, transcribed, punched, taped, filmed or graphic matter, however produced or  
reproduced. Without limiting the foregoing, "document" as used herein shall include any  
information maintained in electronic form, whether as e-mail, on hard drives, on "floppy  
disks," or in any other electronic form or medium whatsoever.

13 C. Identify.

14  
15 (1) The term "identify" when used in reference to a  
16 natural person shall mean to state the person's full name, most recent business and  
17 residence addresses, current telephone number, and if known, his most recent business  
title.

18 (2) The term "identify" when used in reference to a document  
19 means to state the date, the type of document, its title, author(s), signer(s), recipient(s) and  
20 all such other information as may be needed to describe it with particularity, together with  
21 its present or last-known location or custodian. If any document was, but is no longer, in  
your possession or subject to your control, state what disposition was made and, if any,  
the reason for such disposition.

22 (3) With reference to "documents," in lieu of specifically  
23 identifying documents that are requested above, documents responsive to each  
24 interrogatory may be generally described (with enough particularity to show which  
document is responsive to the interrogatory) and produced for inspection or copying.

25 D. Or. The term "or" should not be read to eliminate any part of any  
26 interrogatory or document request, but, whenever possible, should be used in the sense

1  
2 that the phrase "and/or" is normally used.

3 E. Claim of Privilege. For each document and communication as to  
4 which privilege is claimed, state the date of the document, the author, the recipient(s) of  
5 the document/communication, the general subject of the document/communication, and  
6 the basis for the claim of privilege.

7 F. Relating. A communication or document "relating" to any given  
8 subject means any communication or document that constitutes, contains, embodies,  
9 reflects, identifies, states, refers to, deals with, or is in any way pertinent to that subject,  
10 including, without limitation, documents concerning the preparation of other documents.

11 **THESE INTERROGATORIES AND REQUESTS FOR PRODUCTION ARE  
12 CONTINUING IN NATURE. PLEASE SUPPLEMENT ALL INTERROGATORIES  
13 AND REQUESTS FOR PRODUCTION IN A TIMELY MANNER.**

14 \JCT\PLEADINGS\F3RD\DISCREQ2\EOC-1056-134A.DOC  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26





Honorable John G. Coughenour

RECEIVED  
JUL 20 2001

MUNDT MacGREGOR L.L.P.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

AMERICAN SEAFOODS COMPANY,

Defendant.

CONNIE L. MARTIN,

Plaintiff in Intervention.

NO. C00-1596C

DEFENDANT AMERICAN  
SEAFOODS COMPANY'S THIRD  
SET OF DISCOVERY REQUESTS  
TO THE EEOC AND EEOC'S  
RESPONSES THERETO

GENERAL OBJECTIONS

Plaintiff EEOC objects to defendant American Seafoods Company's (hereinafter "the defendant") First Discovery Requests to EEOC to the extent they seek information not required to be disclosed under the applicable court rules. EEOC objects to defendant's discovery requests to the extent the requests seek information that is overly broad or burdensome and to the extent the requests seek information not reasonably calculated to lead to the discovery of admissible evidence.

EEOC further objects to defendant's discovery requests to the extent the requests seek information protected by the attorney-client privilege and/or the attorney work product doctrine or any other such privileges, and declines to release any such information.

U S EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1081  
Telephone (206) 220-6883  
Facsimile (206) 220-6811  
TDD (206) 220-6882

1 EEOC objects to the defendant's discovery requests to the extent that  
2 they seek facts, documents and/or information already known and/or equally available  
3 to the defendants EEOC also objects to the instructions portion of defendant's  
4 discovery requests to the extent the supplementation requirement purportedly imposed  
5 exceeds that existing under the applicable court rules, and to the extent that it requires  
6 information regarding privileged documents which is not required to be disclosed under  
7 applicable court rules and to the extent that it requires information already known and/or  
8 equally available to the defendant.

9 EEOC objects to the defendant's discovery requests to the extent they  
10 seek information or documents beyond the custody and control of the EEOC or not in  
11 its possession All responses to defendant's discovery requests are made on the basis  
12 of information presently available to the EEOC from a reasonable and diligent  
13 investigation of the facts and a reasonable search of the files All responses made  
14 herein are subject to change if further information should be obtained.

15 Nothing set out in EEOC's specific objections is intended, or should be  
16 construed, as a waiver of these general objections Reiteration of a general objection  
17 and answer or response to a specific interrogatory or request for production is not  
18 intended, and should not be construed, as a waiver of any general objection with regard  
19 to any of the interrogatories or requests for production addressed by defendant to  
20 EEOC.

21 Without waiving and subject to the foregoing objections and clarifications,  
22 EEOC responds as follows to defendants' discovery requests.

### 23 INTERROGATORIES

24  
25

1 INTERROGATORY NO. 9: Please update and supplement your answers to  
2 interrogatories 1 through 8 in Defendant American Seafoods Company's Second Set of  
3 Discovery Requests to the EEOC to make your answers true, complete, accurate, and  
4 current as of the date of your answer to this interrogatory.

5 ANSWER:

6 The EEOC supplements its answer to American Seafoods' Interrogatories No. 2  
7 and 3. Given the findings made through discovery that some women may have not  
8 disclosed their pregnancies to the company, the EEOC contends its class will also  
9 encompass any women employed by American Seafoods aboard any of its vessels  
10 during all of the fishing seasons from 1995 to the present. Currently, EEOC has  
11 identified Linda Dinocenzo and Patricia Too Too as class members. Ms. Dinocenzo  
12 has been identified as an employee who hid her pregnancy from American Seafoods  
13 for fear of termination. Two other potential class members are April Skelly and  
14 Sosefina Vaafuti. However, because the EEOC has been unable to locate Ms. Skelly  
15 and Ms. Vaafuti with the contact information provided by American Seafoods, it is still  
16 unclear whether they will ultimately be included in the class. This response will be  
17 supplement as soon as the EEOC is provided with crew rosters covering the time  
18 period as set above in order to begin contacting potential class members

19 INTERROGATORY NO. 10: Please identify all persons you may call at trial in  
20 this matter. With respect to each such person, please provide a summary of their  
21 anticipated testimony.

22 ANSWER:

23 The EEOC would add the following individuals to its list of potential trial  
24 witnesses:  
25

U S EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
909 First Avenue, Suite 400  
Seattle, Washington 98104 1061  
Telephone (206) 220 6883  
Facsimile (206) 220-6911  
TDD (206) 220-6882

1 Patricia Too Too: Nature of workplace policies and company's handling of her  
2 pregnancy, nature of separation from employment with  
3 American Seafoods.

4 Linda Dinocenzo: Nature of workplace policies, lack of company's knowledge  
5 of her pregnancy and why.

6 April Skelly: It is anticipated that Ms. Skelly will testify to the nature of  
7 workplace policies and company's handling of her  
8 pregnancy, nature of separation from employment with  
9 American Seafoods.

10 Sosefina Vaafuti: It is anticipated that Ms. Vaafuti will testify to the nature of  
11 workplace policies and company's handling of her  
12 pregnancy, nature of separation.

13 The EEOC joins in the list of witnesses already submitted by counsel for Ms.  
14 Martin to the extent they are not already listed by EEOC.

15 REQUEST FOR PRODUCTION

16 REQUEST FOR PRODUCTION NO. 7: Please update and supplement your  
17 responses to Requests for Production 1 through 6 in Defendant ASC's First Request for  
18 Production, and American Seafoods Company's Second Set of Discovery Requests to  
19 the EEOC to make them true, complete, accurate, and current as of the date of your  
20 response to this request for production.

21 RESPONSE:

22 None at this time. Will be supplemented as necessary.  
23  
24  
25

VERIFICATION

I, Carmen Flores of the Equal Employment  
Opportunity Commission, declares as follows:

I am the trial attorney of the Equal Employment Opportunity  
Commission, the plaintiff in the above-referenced action. I have reviewed the within  
and foregoing response to Defendant ASC's Third Discovery Requests to the EEOC,  
know the contents thereof, and believe the same to be true and correct.

I declare under penalty of perjury under the laws of the State of  
Washington that the foregoing is true and correct.

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

by

[Signature]

Its

TRIAL ATTORNEY

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1061  
Telephone (206) 220-6883  
Facsimile (206) 220-6911  
TDD (206) 220-6882

CERTIFICATION

The undersigned attorney for the Equal Employment Opportunity Commission has read the foregoing Defendant ASC's Third Discovery Requests to the EEOC and has read the EEOC's response thereto and hereby certifies that the EEOC's response is in compliance with CR 26(g).

Dated this 20th day of July, 2001.

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

By



A. Luis Lucero, Jr.

Carmen Flores

Attorneys for Plaintiff

Equal Employment Opportunity Commission

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1061  
Telephone (206) 220-6883  
Facsimile (206) 220-6911  
TDD (206) 220-6882

**CERTIFICATE OF SERVICE**

I hereby certify that I served a EEOC's Responses to ASC's 3<sup>rd</sup> Discovery Request on:

Jay H. Zulauf, Esq.  
John H. Chun, Esq.  
Mundt MacGregor LLP  
999 Third Avenue, Suite 4200  
Seattle, WA 98104-4082  
**Fax: 206/624-5469 and by Legal Messenger**

Attorneys for Defendant

Scott McKay, Esq.  
Nevin, Herzfeld, Benjamin & McKay  
303 W. Bannock, PO Box 2772  
Boise, ID 83701  
**Fax: (208) 345-8274**

Reba Weiss, Esq.  
3316 Fuhrman Ave. East  
Suite 250  
Seattle WA 98102  
**Fax: 206)860-0269**

Attorneys for Plaintiff-in-Intervention

by the following indicated method or methods:

- ② by **faxing** a copy thereof to the attorney(s) at the fax number(s) shown above, on the date set forth below.

DATED this 20<sup>th</sup> day of July, 2001.

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

  
VICTORIA RICHARDSON  
Paralegal Specialist

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Seattle District Office  
909 First Avenue, Suite 400  
Seattle, Washington 98104-1061  
Telephone (206) 220-6883  
Facsimile (206) 220-6911  
TDD (206) 220-6882

**CERTIFICATE OF SERVICE**





**MUNDT MACGREGOR LLP**  
ATTORNEYS AT LAW

999 Third Avenue - Suite 4200  
Seattle, Washington - 98104-4082

Telephone (206) 624-5950  
Facsimile (206) 624-5469

July 31, 2001

John H. Chun  
R. Shawn Griggs  
Christopher S. McNulty  
Supriya M. Ray  
Melissa A. Wetland

SPECIAL COUNSEL  
Lisa Riveland Pagán

Jay H. Zulauf  
Wm. Paul MacGregor  
J. David Stahl  
Matthew L. Fick  
Joseph M. Sullivan  
Joe B. Stansell

OF COUNSEL  
Janet H. Cheetham

Ms. Carmen Flores  
Equal Employment Opportunity Commission  
Federal Office Building  
909 First Avenue, Suite 400  
Seattle, Washington 98104

SENT VIA FAX & MAIL

Re: EEOC, Martin v. American Seafoods Company

Dear Carmen:

As you know, on or about May 8, 2001, we served you with Defendant American Seafoods Company's Second Set of Discovery Requests to the EEOC, which sought, among other things, the identities of all class members and the factual basis for their claims.

The EEOC did not identify a single class member until July 20, 2001, about two weeks before the discovery cutoff date. On that date, the EEOC identified Linda Dinnocenzo and Patricia Too Too. But, as we have repeatedly stated on other occasions, the EEOC still has not provided the factual basis for their claims. With respect to Ms. Dinnocenzo, the EEOC merely states that she "hid her pregnancy from American Seafoods for fear of termination" - these facts clearly do not give rise to a claim. With respect to Ms. Too Too, the EEOC provides no facts whatsoever.

In light of the foregoing, we request that the EEOC fully respond to our discovery requests, including our Second Set of Discovery Requests, by the end of business this Thursday, August 2. This response should include the factual basis for Ms. Dinnocenzo's and Ms. Too Too's claims, and the damages and relief sought on their behalf.

**EXHIBIT - I**

Ms. Carmen Flores  
July 31, 2001  
Page 2

MUNDT MACGREGOR LLP  
V I C E P R E S I D E N T

Very truly yours,

MUNDT MacGREGOR L.L.P.



John H. Chun

JHC:vvo

cc: Mr. Scott McKay  
Ms. Reba Weiss

\\MUNDT2\USERDOCS\JCT\LETTERS\LFILORES3-1058-138A.DOC