

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. ) C.A. NO. H-84-2949  
 )  
 )  
 SPRING BRANCH INDEPENDENT )  
 SCHOOL DISTRICT, et al., )  
 )  
 Defendants. )  
 )  
 \_\_\_\_\_ )

PLAINTIFF'S SECOND SET OF INTERROGATORIES AND  
ACCOMPANYING REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, plaintiff United States requests that defendants Spring Branch Independent School District, et al. ("SBISD") respond under oath to the following interrogatories and provide the requested documents by making them available to plaintiff for inspection and copying within thirty (30) days of this request, at the office of the United States Attorney for the Southern District of Texas, 515 Rusk Street, Suite 1200, Houston, Texas, or at such other place as may be agreed to by counsel for the parties.

This request is continuing in nature. Accordingly, any documents or information obtained by SBISD after it submits its

answers hereto, which would have been provided or referred to had such information been known, should be provided to plaintiff by way of supplemental response.

#### DEFINITIONS

Unless a contrary meaning clearly applies in the context, the following definitions shall apply to this request:

a. "Document" as used herein shall include:

1. Any paper or writing of any kind, including but not limited to: a report; study; analysis; memorandum; letter, telegram, calendar or diary; minutes; pamphlet; notes; chart; tabulation; press release; published book, article, treatise or paper; photograph; accounting entry; accountant's work paper; receipt; voucher; agreement; contract; financial statement; recording of minutes, conferences, and telephone or other communications;
2. Any draft of any document as defined in Paragraph a(1), supra;
3. Any alterations, notes, comments or other material not included in the original of any document as defined in Paragraph a(1), supra, and
4. The data base and all output, either in printed or machine-readable form, of any computerized data

recording, storage, analyzation and retrieval system (e.g., tapes, punch cards, microfilm, printouts), as well as the written information necessary to understand and use such data base or output.

b. "Identify" or "identity" when used with respect to a document means:

1. The type of document (e.g., report, study, analysis, memorandum, letter, minutes, microfilm, punch card, recording used in data processing, tape recording used in data processing, tape recording used in machine-readable form, etc.);
2. Its date and place of origin, identities of author(s) and addressee(s), date of communication or delivery, its present location of custody, and full name and complete address of its custodian; and
3. If such document has been published, its title, author, date and place of publication, name of publisher and Library of Congress number.

#### INTERROGATORIES

##### INTERROGATORY NO. 1

Set forth the full name and business address of each person whom SBISD expects to call as an expert witness ("expert witness") at the trial of this action, the subject matter with

respect to which such expert witness is expected to testify, the opinions with respect to which such expert witness is expected to testify, and a summary of the grounds for each such opinion.

INTERROGATORY NO. 2

For each expert witness identified in answer to Interrogatory No. 1, supra:

a. Set forth the expert witness' education and professional or work background, specifying:

1. Each college and post-college degree received, the field of learning in which received, the date received, and the name and location of the bestowing school;
2. The full name and address of each agency, organization, government, company, corporation or other entity for which the expert witness has performed work; the dates during which the expert witness performed work for each such entity; a detailed description of the nature of the work which was performed by the expert witness for each such entity; whether the expert witness performed such work while an employee, a private consultant or an independent contractor; and the title or

description of each position held by the expert witness while employed by such entity, and the dates during which the expert witness held each such position.

b. Set forth the title, subject matter, name and address of the publisher and date of publication of each writing of the expert witness which has been published.

c. Set forth the caption, number and location of filing of each administrative or judicial proceeding in which the expert witness has been retained or otherwise served as a consultant or witness, and for each such proceeding state: the name of the party on whose behalf the expert witness was retained; the name, address and telephone number of counsel for that party and of the chief or lead counsel for opposing party or parties; and whether the expert witness prepared a report or testified, either by affidavit or deposition or in person.

d. Identify all documents, regardless of by whom prepared, upon which the expert witness bases or expects to base any opinions, findings or conclusions in this case, or which have been or are expected to be used in any way by the expert witness in reaching such opinions, findings or conclusions.

e. Other than the documents referred to in subparagraph d, supra, identify all documents prepared by or under the supervision of the expert witness in connection with this case.

INTERROGATORY NO. 3

Set forth the name of each individual whom SBISD expects to call as a witness at the trial of this action, and the subject matter with respect to which such person is expected to testify.

INTERROGATORY NO. 4

For each person identified in answer to Interrogatory No. 3, supra, set forth such person's complete home address or, if not known, last known complete home address; present employer, complete business address and telephone number, job title in which employed, and duties and responsibilities in that job; or if present employer is not known, last known employer, complete business address and telephone number, job title or rank in which employed, and duties and responsibilities in that job or rank; and business profession and/or occupation if that person is self-employed, as well as that person's complete business address and telephone number and the name of that person's company, firm or business.

INTERROGATORY NO. 5

State whether SBISD reasonably expects to or may introduce into evidence for any purpose or otherwise use for any purpose at the trial of this action the data base or output of any computerized recording, storage, analyzation and retrieval

system, or any documents or testimony which may set forth, reflect, describe, discuss, comment upon or in any way pertain to such data base or output. If so, specify each fact which the data base or output, or documents or testimony which in any way pertain to such data base or output, may be used to prove at trial.

INTERROGATORY NO. 6

With respect to the data base or output referred to in Interrogatory No. 5, supra, provide all information necessary to understand and use such data base or output, including but not limited to, the following: tape label or other name given to the tape (DS Name); computer system used; track size; recording density; block size/record size; encoding method; and record layouts and descriptions.

DOCUMENT REQUESTS

REQUEST NUMBER 1

For each expert witness 1/ produce the following:

a. Documents, including but not limited to a curriculum vitae, which describe the expert witness' educational and professional or work background (e.g. curriculum vitae), detailing:

1/ The term "expert witness," as used in these document requests, refers to those persons identified by SBISD in answer to Interrogatory No. 1, supra.

1. Each college and post-college degree received, the field of learning in which received, the date received, and the name and location of the bestowing school;

2. The full name and address of each agency, organization, government, company, corporation or other entity for which the expert witness has performed work, the dates during which the expert witness performed work for each such entity; a detailed description of the nature of the work which was performed by the expert witness for each such entity; whether the expert witness performed such work while an employee, a private consultant or an independent contractor; and the title or description of each position held by the expert witness while employed by such entity, and the date during which the expert witness held such position.

b. Each writing prepared by or under the supervision of the expert witness which has been published.

c. Each report, study or similar document prepared by or under the supervision of the expert witness in each administrative or judicial proceeding in which the expert has been retained or has otherwise served as a consultant or witness.



d. Copies of any affidavits of the expert witness submitted in any administrative or judicial proceeding, and of transcripts of any trial or deposition testimony given by the expert witness in any such proceedings.

e. Each document, regardless of by whom prepared, upon which the expert bases, or expects to base, any opinions, findings or conclusions in this case, or which has been or is expected to be used in any way by the expert witness in reaching such opinions, findings or conclusions;

f. Other than the documents referred to in subparagraph e, supra, all documents prepared by or under the supervision of the expert witness in connection with this case.

REQUEST NUMBER 2

Each document which sets forth, reflects, describes, discusses, comments upon or in any way pertains to the subject matter with respect to which each individual whom SPISD expects to call as a witness at the trial of this action will testify.

REQUEST NUMBER 3

The data base and output of any computerized recording, storage, analyzation and retrieval system which SPISD reasonably expects to or may introduce into evidence for any purpose or otherwise use for any purpose at the trial of this action, or which is referred to, related to or reflected by any

document or testimony which SBISD reasonably expects to or may introduce into evidence for any purpose or otherwise use for any purpose at the trial of this action.

REQUEST NUMBER 4

Any documents which reflect, describe, discuss, comment upon or in any way pertain to the data base or output of any computerized recording, storage, analyzation and retrieval system which SBISD reasonably expects to or may introduce into evidence for any purpose or otherwise use for any purpose at the trial of this action.

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Joel W. Nomkin  
Melissa P. Marshall  
Attorneys  
U.S. Department of Justice  
Civil Rights Division  
Washington, D. C.  
(202) 633-3862

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing Plaintiff's Second Set of Interrogatories and Accompanying Request For Production of Documents has been served upon counsel for the Defendants, Spring Branch Independent School District, et al., by first class mail, postage prepaid on this 8<sup>th</sup> day of January, 1986, at the following address:

Jeffrey A. Davis  
Reynolds, Allen & Cook  
3300 Allied Bank Plaza  
Houston, Texas 77002

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Joel W. Nomkin  
Attorney  
Civil Rights Division  
U.S. Department of Justice  
Washington, D. C. 20530  
(202) 633-3875