

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 and )  
 )  
 DR. RACHEL TUDOR, )  
 )  
 Plaintiff/Intervenor )  
 )  
 v. )  
 )  
 SOUTHEASTERN OKLAHOMA )  
 STATE UNIVERSITY, )  
 )  
 and )  
 )  
 THE REGIONAL UNIVERSITY )  
 SYSTEM OF OKLAHOMA, )  
 )  
 )  
 Defendants. )

CASE NO. 5:15-CV-00324-C

**MOTION AND OPENING BRIEF OF  
PLAINTIFF/INTERVENOR DR. RACHEL TUDOR  
FOR A PROTECTIVE ORDER, AND TO STAY DEPOSITION**

**GOOD FAITH CONFERRAL**

Pursuant to Fed. R. Civ. P. 26(c) and LCvR 37.1, counsel for Plaintiff/Intervenor has in good faith conferred with counsel for Defendant, in a sincere attempt to resolve differences without court action, on February 4 and 5, 2016 by telephone. The office of counsel for Plaintiff/Intervenor being located in

Tuxedo Park, New York, and the office of counsel for Defendants being located in Oklahoma City, Oklahoma, the distance between counsels' offices renders a personal conference infeasible.

### **STATEMENT OF FACTS**

On February 3, 2016, Defendants transmitted a deposition notice via email on counsel for Plaintiff/Intervenor Dr. Rachel Tudor, but see Exhibit F. The notice calls for her deposition to be held on "February 17th & February 18th, 2016, and each day thereafter as necessary" in Oklahoma City. *See* Tudor Deposition Notice, Exhibit A. Prior to the service of the notice, Dr. Tudor's counsel notified Defendants' counsel by email that Dr. Tudor would be available during the week of March 7–11, 2016, for her deposition. *See* Email from Jillian Weiss to Dixie Coffey, et al. (February 2, 2016), Exhibit B. Defendants' counsel had previously indicated in telephone conferences that they would be available during that week for depositions. Defendants' counsel requested an explanation for why Dr. Tudor would not be available on February 17 or 18 (and impliedly "each day thereafter as necessary"), dates previously suggested for depositions. Dr. Tudor's counsel explained that it would impose an undue burden on Dr. Tudor, her colleagues and her current College, where she serves as full-time professor on a one-year contract, of rescheduling her class and raising concerns about imperiling her current employment.

To preserve the issue, Dr. Tudor is filing this motion. However, the parties continue to work towards an agreement on the issue raised herein. At this time, the status is that Defendants' counsel is seeking to determine availability of its witnesses, in pursuit of an offer by counsel for the United States, pursuant to which Defendants' counsel has indicated it would allow Dr. Tudor's deposition to take place during the week of March 7-11.

### **SUMMARY OF ARGUMENT**

Requiring Dr. Tudor's deposition on "February 17th & February 18th, 2016, and each day thereafter as necessary" would cause annoyance, oppression and undue burden because she teaches three classes each day, and it would be her obligation to make arrangements with other professors to teach her classes. This may imperil her continued employment. However, Dr. Tudor has suggested other dates shortly thereafter during her College's Spring Break that will not impose this undue burden. Dr. Tudor has provided a series of alternative dates in the near future that will not require such undue burden. In addition, the deposition notice was improper.

**ARGUMENT**

*Undue Burden*

Federal Rule of Civil Procedure 26(c) provides that the court, upon a showing of good cause, “may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.” Dr. Tudor seeks protection from a deposition noticed for “February 17th & February 18th, 2016, and each day thereafter as necessary,” on the grounds that requiring her to appear on all of those dates would cause annoyance, oppression and undue burden. There is good cause for a protective order in this case.

As set forth in the Declaration of Dr. Rachel Tudor (filed herewith as Exhibit C), Dr. Tudor is currently employed as a full-time professor with a one-year contract at Collin College, at the College’s campus located in Plano, Texas. Dr. Tudor is scheduled to teach three classes on each of February 17, February 18, and February 19, 2016. In order for Dr. Tudor to attend a deposition on “February 17th & February 18th, 2016, and each day thereafter as necessary,” she will need to obtain special permission from her employer *and* it will be her obligation then to make arrangements to have other professors at her current College to teach her classes. As this is an imposition for other professors with equally heavy teaching loads, Dr. Tudor will likely have to make arrangements with two or three other

professors for each day of class. The College, like most publicly-funded community colleges, does not have substitute professors readily available, and professors who will be absent must make their own arrangements. Dr. Tudor may or may not be able to accomplish this within the time required. If she is required to attend without having been able to make these arrangements, her employer will not release her, and she will imperil her continued employment. Further, requesting such time off from her current employer at all, for a lawsuit against her former employer, may cause her continued employment prospects to be diminished. Her contract is coming up for renewal March 1, 2016, and asking relief from her class burden may endanger her contract renewal.

Plaintiff/Intervenor analogizes this to the holding in *EEOC v. Midwest Regional Medical Center, LLC*, No. CIV-13-789-M, 2014 WL 1745080, at \*2 (W.D. Okla. Apr. 30, 2014) (Miles-LaGrange, C.J.) *reconsideration denied*, No. CIV-13-789-M, 2014 WL 3352982 (W.D. Okla. July 9, 2014), where the Court implied that putting strain on an existing employment relationship (in that case, deposing the current employer), when there was a less intrusive means of obtaining the information, constituted good cause for a protective order. Similarly here, there is good cause to avoid putting strain on Dr. Tudor's employment relationship by pushing her to miss her classes, when there is a less intrusive means, i.e., letting her be deposed only a few weeks later during her Spring Break.

*Improper Notice*

Defendants have also improperly noticed the deposition for more than the one day to which they are entitled without leave of court, see Fed. R. Civ. P. 30(d)(1), which, in addition to making the deposition notice defective as discussed below, would also impose more undue burden for Dr. Tudor. Dr. Tudor teaches three classes every day. She would need to make additional arrangements for each additional day of deposition, thereby imposing an undue burden not only on herself to schedule these arrangements, but on her colleagues to teach additional classes, if they will indeed agree to do so, and upon her College, which may find itself without a professor for several days of classes. The notice itself does not specify how many days of deposition the Defendants are seeking, and simply states “February 17th & February 18th, 2016, and each day thereafter as necessary.” Putting aside for the moment the impropriety of this notice, Dr. Tudor cannot know from this notice how many days of class she will have to miss and make arrangements for.

Dr. Tudor has provided a series of alternative dates, i.e. any time during the week of March 7–11, during which school Spring Break vacation occurs, which would not require her to make the burdensome arrangements for other professors to take her classes. Defendants’ counsel has previously indicated in discussions among counsel that they are available for depositions during this time. The

alternative dates would entail little delay, particularly given that close of discovery in this case is not until August 1, 2016 (Dkt 39, No. 6).

The deposition of Dr. Tudor during the week of March 7–11 will not cause any delay of discovery, because the parties are free to continue with depositions of other witnesses now. While Counsel for Defendants have indicated that they object to deposition of any witnesses from Southeastern Oklahoma State University or the Regional University System of Oklahoma prior to the deposition of Dr. Tudor, this is an incorrect interpretation of the law. *See* Email from Dixie Coffey to Shayna Bloom, et al. (January 29, 2016), Exhibit D (“In addition, as we previously indicated, we believe we’re entitled to depose Dr. Tudor before you depose SEOSU witnesses . . . .”); Email from Dixie Coffey to Jillian Weiss (February 2, 2016), Exhibit E (“Her deposition dates will affect the deposition dates of the other witnesses . . . .”). The Federal Rules of Civil Procedure do not set a priority for discovery. *See* Fed. R. Civ. P. 26(d)(3) (“Unless the parties stipulate or the court otherwise orders for the parties’ and witnesses’ convenience and in the interests of justice: (A) methods of discovery may be used in any sequence; and (B) discovery by one party does not require any other party to delay its discovery.”) Thus, depositions of other witnesses are free to proceed now.

Aside from the undue burden created by the deposition notice, the notice itself is defective. It fails to satisfy Rule 30, in that it calls for more than the one day permitted by Rule 30(d)(1) without stipulation of the parties or leave of court.

*See* Tudor Deposition Notice, Exhibit A. It also does not specify the means of recording, as required by Rule 30(b)(3)(A).<sup>1</sup> *Id.* There is a material difference between preparing a witness for a stenographically transcribed deposition and a videorecorded deposition, because the two result in drastically different media, and the Federal Rules of Civil Procedure are designed, in part, to avoid surprise. *Garcia v. Mako Surgical Corp.*, No. 13-CV-61361-CIV, 2014 WL 4206681, at \*3 (S.D. Fla. Aug. 25, 2014) (“Regardless of whether Plaintiff’s omission was inadvertent or had some other nefarious purpose, MAKO and the deponent clearly were not on notice that the deposition would be videotaped. The Federal Rules of Civil Procedure are designed, in part, to avoid surprise.”) When asked about this during conferral, Defendants’ counsel said the issue was not important and did not provide the means of recording. *See also Woods v. G.B. Cooley Hosp. Serv. Dist.*, 07–CV–0926, 2009 WL 151078, at \*3 (W.D.La. Jan.21, 2009) (notice to counsel a few minutes before a deposition of the means of recording is not the type of “prior notice” contemplated by the rule, rendering videotaped deposition inadmissible).

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<sup>1</sup> The notice was also improperly served by email on Dr. Tudor without written consent for email service as required by Fed. R. Civ. P. 5(b)(2)(E). In fact, Dr. Tudor has indicated that service should be by mail. *See* Email from Jillian Weiss to Jeb Joseph, et al. (August 19, 2015), Exhibit F. *See Rushing v. Bd. of Supervisors of Univ. of Louisiana Sys.*, 270 F.R.D. 259, 261 (M.D. La. 2010) (deposition notices served by email without written consent not proper). *See also* Fed. R. Civ. P. 5 Committee Notes On Rules—2001 Amendment (“It requires that consent “be express, and cannot be implied from conduct.” This addition reflects a more general concern stimulated by a reported ruling that an e-mail address on a firm’s letterhead implied consent to email service.”).

Rather than requiring Defendants to go through the exercise of re-noticing Dr. Tudor's deposition, however, or ordering the deposition for a specific day, Dr. Tudor suggests that it would simply be more expedient for the Court to direct that the parties to work out a mutually convenient day for Dr. Tudor's deposition during the week of March 7–11, 2016.

**RELIEF REQUESTED**

For the foregoing reasons, Plaintiff/Intervenor Dr. Tudor respectfully requests that her deposition noticed for February 17, 2016 be stayed<sup>2</sup>, that the parties be instructed to arrange for her deposition on a mutually convenient day during the week of March 7–11, 2016, and that the parties be instructed that the depositions of other witnesses shall not be withheld based upon Dr. Tudor's deposition date.

Respectfully submitted,

Dated: February 5, 2016

/s/ Jillian T. Weiss  
\_\_\_\_\_  
Jillian T. Weiss (NY Bar No. 2125011)  
Admitted *Pro Hac Vice*  
Law Office of Jillian T. Weiss, P.C.  
P.O. Box 642

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<sup>2</sup> It is incumbent upon counsel for the movant to seek to stay the deposition notice until the Court acts on the motion for protective order. *See, e.g., Batt v. Kimberly-Clark Corp.*, 438 F.Supp.2d 1315, 1317–18 (N.D. Okla. 2006). A separate Order for stay has been provided to the Court for convenience.

Tuxedo Park, NY 10987  
845-709-3237  
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National Litigation Law Group, PLLC  
42 Shepherd Center  
2401 NW 23rd St.  
Oklahoma City, OK 73107  
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Ezra Young (NY Bar No. 5283114)  
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Law Office of Jillian T. Weiss, P.C.  
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[eyoung@jtweisslaw.com](mailto:eyoung@jtweisslaw.com)

**ATTORNEYS FOR PLAINTIFF/INTERVENOR**

**CERTIFICATE OF SERVICE**

I hereby certify that on February 5, 2016, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will automatically serve all counsel of record.

/s/ Jillian T. Weiss

Jillian T. Weiss (NY Bar No. 2125011)

Admitted *Pro Hac Vice*

Law Office of Jillian T. Weiss, P.C.

P.O. Box 642

Tuxedo Park, NY 10987

845-709-3237

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[jtweiss@jtweisslaw.com](mailto:jtweiss@jtweisslaw.com)



NOTICE IS HEREBY GIVEN pursuant to Rule 30(b)(1) of the Federal Rules of Civil Procedure, that Defendants Southeastern Oklahoma State University and The Regional University System of Oklahoma will take the deposition of the following individual at the following dates, times and location listed below:

NAME	DATE	TIME	LOCATION
Dr. Rachel Tudor	February 17 <sup>th</sup> & February 18 <sup>th</sup> , 2016, and each day thereafter as necessary.	9:00 a.m.	D&R Reporting 400 N. Walker Suite 160 Oklahoma City, OK 73102 Telephone: (800) 771-1500 (405) 235-4106 Email: depo@drreporting.com

Respectfully submitted,

/s/ Dixie L. Coffey  
 DIXIE L. COFFEY, OBA #11876  
 JEB E. JOSEPH, OBA #19137  
 KINDANNE JONES, OBA ##11374  
 Assistant Attorneys General Oklahoma  
 Attorney General's Office  
 Litigation Division  
 313 NE 21st Street  
 Oklahoma City, OK 73105  
 Telephone: 405.521.3921  
 Facsimile: 405.521.4518





Jillian Weiss <jillian.t.weiss@gmail.com>

discovery issues

Jillian T. Weiss, Esq. <jweiss@jtweisslaw.com> Tue, Feb 2, 2016 at 5:00 PM
To: "Townsend, Allan (CRT)" <Allan.Townsend@usdoj.gov>
Cc: Dixie Coffey <dixie.coffey@oag.ok.gov>, Jeb Joseph <jeb.joseph@oag.ok.gov>, "Jillian T. Weiss, Esq." <jweiss@jtweisslaw.com>, Ezra Young <eyoung@jtweisslaw.com>, "bnovotny@nationlit.com" <bnovotny@nationlit.com>, Lori Cornell <lori.cornell@oag.ok.gov>, "Bloom, Shayna (CRT)" <Shayna.Bloom@usdoj.gov>

Counsel:

I have checked with Dr. Tudor. She will be available March 7-11 for her deposition, in either Oklahoma City or Durant.

Best,

Jillian

---
Jillian T. Weiss
Law Office of Jillian T. Weiss, P.C.
P.O. Box 642
Tuxedo Park, NY 10987
Tel: (845) 709-3237
Fax: (845) 915-3283
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Web: jtweisslaw.com

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Jillian T. Weiss is admitted to practice law in New York and New Jersey only, and any statements in reference to laws or legal requirements outside of those states are not intended as legal advice unless and until representation by this firm is accepted by a court or government agency operating in your state. Consult an attorney admitted to practice in your state for qualified legal advice. Statements herein are not intended as legal advice or to create an attorney-client relationship unless and until you and this firm have signed a written retainer agreement.

On Tue, Feb 2, 2016 at 4:44 PM, Townsend, Allan (CRT) <Allan.Townsend@usdoj.gov> wrote:

Jeb and Dixie:

On our call earlier today, we followed up with you regarding our efforts to schedule several depositions in this case in the coming weeks. We understand that both of you can be available to attend depositions on February 17 and 18 as well as March 2, 3, 4, 7, 8, 9, 10, 11. The United States and Dr. Tudor's counsel are also available on those dates. You

UNITED STATES OF AMERICA, )  
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 Plaintiff, )  
 )  
 and )  
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 DR. RACHEL TUDOR, )  
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 Plaintiff/Intervenor )  
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 v. )  
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 SOUTHEASTERN OKLAHOMA )  
 STATE UNIVERSITY, )  
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 and )  
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 THE REGIONAL UNIVERSITY )  
 SYSTEM OF OKLAHOMA, )  
 )  
 )  
 Defendants. )

CASE NO. 5:15-CV-00324-C

**DECLARATION OF DR. RACHEL TUDOR IN SUPPORT OF  
 MOTION FOR A PROTECTIVE ORDER, AND TO STAY DEPOSITION**

I, Dr. Rachel Tudor, declare as follows:

1. I am currently employed as a full-time professor with a one-year contract at Collin College (“the College”), at the College’s campus located in Plano, Texas.
2. I am scheduled to teach three classes each on February 17 and 18 2016.

3. In order for me to attend a deposition on those dates, I will need to obtain permission from my employer. Granting of leave is not automatic. They may decide that pursuing a lawsuit against a former employer is not a legitimate reason to grant leave.

4. It is also my obligation to make arrangements to have other professors from the College to teach my classes.

5. This is an imposition for other professors with equally heavy teaching loads, and I will likely have to make arrangements with two or three other professors for each day of class missed.

6. The College, like most colleges and universities, does not have substitute professors readily available, and professors who will be absent must make their own arrangements.

7. I may or may not be able to accomplish obtaining substitute coverage for my classes within the time required. Many of the faculty are teaching "overloads" --like me-- and it will be almost impossible to find faculty available to cover all of my classes. Approximately 150 students will be detrimentally impacted. A substitute will not be able to provide the continuity of learning or answer questions about ongoing assignments.

8. If I am required to attend the deposition without having been able to make these arrangements, my employer will not release me, and I may imperil my continued employment.

9. I am also concerned that requesting such time off from my current

employer, for a lawsuit against my former employer, may cause my continued employment prospects to be diminished. My contract is up for renewal and the decision will be made during February so this is a critical time to attend to my duties.

10. While I recall my attorneys mentioning that my deposition might be in late February, possibly even the 17th or 18th, I did not remember any specific dates as firm. I sent them my teaching schedule and I specifically included the date for the college's Spring Break as a week when it would be best for me to provide a deposition. I was not sufficiently clear regarding the importance of scheduling the deposition during Spring Break.

11. It is my hope that the Court will understand and take into account the importance of retaining this job is for both my financial and emotional health, and will grant this short delay.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 4, 2016

A handwritten signature in cursive script that reads "Rachel Tudor". The signature is written in black ink and is positioned above a horizontal line.

Rachel Tudor

Dixie,

Shayna, me, and counsel for Dr. Tudor are available at 3:00 Central today but we would have to end our call at 3:30. Alternatively, we could talk tomorrow anytime between 11:00 and 3:00 Central time. Please let us know which time you would prefer.

Thanks,

Allan

---

**From:** Dixie Coffey [<mailto:dixie.coffey@oag.ok.gov>]  
**Sent:** Friday, January 29, 2016 5:13 PM  
**To:** Bloom, Shayna (CRT); Jeb Joseph  
**Cc:** Townsend, Allan (CRT); 'Jillian T. Weiss, Esq.'; 'Ezra Young'; '[bnovotny@nationlit.com](mailto:bnovotny@nationlit.com)'; Lori Cornell  
**Subject:** RE: discovery issues

Shayna,

You are incorrect regarding your knowledge of our unavailability on your proposed dates – I made it clear that the dates of Feb. 17 and 18 were the only dates during your proposed period that we were available. The fact that Allan continued to request those dates, despite our unavailability, does not change the fact that we're not available (and thus, there is no reason to determine witnesses' availability.) In addition, as we previously indicated, we believe we're entitled to depose Dr. Tudor before you depose SEOSU witnesses, especially in light of the fact that you have already interviewed almost all of them at least once, some twice, and many of whom you have communicated with frequently during the past four years.

We can discuss these issues further at the time I proposed, 3pm Monday (Central, not Eastern time). If that does not work for you, then we can speak on Tuesday.

Dixie L. Coffey

Assistant Attorney General

Litigation Division, Office of the Attorney General

Phone:(405)522-2891; Fax (405) 521-4518

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Jillian Weiss <jillian.t.weiss@gmail.com>

discovery issues

Dixie Coffey <dixie.coffey@oag.ok.gov> Tue, Feb 2, 2016 at 5:07 PM
To: "Jillian T. Weiss, Esq." <jweiss@jtweisslaw.com>, "Townsend, Allan (CRT)" <Allan.Townsend@usdoj.gov>
Cc: Jeb Joseph <jeb.joseph@oag.ok.gov>, Ezra Young <eyoung@jtweisslaw.com>, "bnovotny@nationlit.com" <bnovotny@nationlit.com>, Lori Cornell <lori.cornell@oag.ok.gov>, "Bloom, Shayna (CRT)" <Shayna.Bloom@usdoj.gov>

Jillian,

During our call today, you indicated Dr. Tudor's availability for her deposition on Feb. 17-18. Is she not available on those dates, and if so, why not? If not, when is the next date, during the March dates that we discussed, that she is available? Her deposition dates will affect the deposition dates of the other witnesses, and I don't want to have to repeatedly ask witnesses for dates of availability.

Thank you,

Dixie L. Coffey
Assistant Attorney General
Litigation Division, Office of the Attorney General
Phone:(405)522-2891; Fax (405) 521-4518

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From: jillian.t.weiss@gmail.com [mailto:jillian.t.weiss@gmail.com] On Behalf Of Jillian T. Weiss, Esq.
Sent: Tuesday, February 02, 2016 4:01 PM
To: Townsend, Allan (CRT)
Cc: Dixie Coffey; Jeb Joseph; Jillian T. Weiss, Esq.; Ezra Young; bnovotny@nationlit.com; Lori Cornell; Bloom, Shayna (CRT)
Subject: Re: discovery issues

[Quoted text hidden]



Jillian Weiss <jillian.t.weiss@gmail.com>

## discovery requests

Jillian Weiss <jillian.t.weiss@gmail.com>

Wed, Aug 19, 2015 at 11:13 AM

To: "Townsend, Allan (CRT)" <Allan.Townsend@usdoj.gov>

Cc: Jeb Joseph <jeb.joseph@oag.ok.gov>, Kindanne Jones <kindanne.jones@oag.ok.gov>, Dixie Coffey <dixie.coffey@oag.ok.gov>, Ezra Young <eyoung@jtweisslaw.com>, Brittany Novotny <BNovotny@nationlit.com>, "Bloom, Shayna (CRT)" <Shayna.Bloom@usdoj.gov>, Nikki Carter <nikki.carter@oag.ok.gov>

On behalf of Dr. Tudor as Plaintiff/Intervenor, we will also mail to you the recent discovery documents. You may send us documents by mail as well, as we do not have the same concerns about mail delivery as DOJ.

Best,

Jillian

On Wed, Aug 19, 2015 at 10:43 AM, Townsend, Allan (CRT) <Allan.Townsend@usdoj.gov> wrote:

Jeb,

Thank you for letting us know your preference for service. We will mail you the documents that we recently sent via email (initial disclosures, discovery requests, and our August 18 letter) and we will also mail all other papers not filed with the Court going forward. I will also continue to email you papers as a courtesy. Please continue to email us papers not filed with the Court because, as I said in a prior email, it can sometimes take weeks for us to receive mail.

Thank you,

Allan

---

**From:** Jeb Joseph [mailto:jeb.joseph@oag.ok.gov]

**Sent:** Wednesday, August 19, 2015 10:17 AM

**To:** Townsend, Allan (CRT); Kindanne Jones; Dixie Coffey

**Cc:** Jillian Weiss; Ezra Young; 'Brittany Novotny'; Bloom, Shayna (CRT); Nikki Carter

**Subject:** RE: discovery requests

Allan,

Thank you for your inquiry regarding service. As you know, the Electronic Case Filing system utilized by the Federal Courts will provide us with electronic notice of filings with the Court. We are registered with that system and we do receive the electronic notices via electronic mail.

However, for Discovery documents (requests or responses/production), subpoenas, other correspondence, items not filed with the Court, etc., Defendants do not consent to receiving service via electronic mail. Please follow the other service methods provided for by the Federal Rules of Civil Procedure. This will help ensure proper receipt, tracking, docketing, and responses.

Best regards,

Jeb

Jeb Joseph  
Assistant Attorney General  
Litigation Division  
Office of the Attorney General  
313 N.E. 21st Street  
Oklahoma City, OK 73105  
[\(405\) 522-8940](tel:4055228940) - Office  
[\(405\) 521-4518](tel:4055214518) - Fax

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**From:** Townsend, Allan (CRT) [<mailto:Allan.Townsend@usdoj.gov>]  
**Sent:** Monday, August 17, 2015 8:46 AM  
**To:** Kindanne Jones; Dixie Coffey; Jeb Joseph  
**Cc:** Jillian Weiss; Ezra Young; 'Brittany Novotny'; Bloom, Shayna (CRT)  
**Subject:** discovery requests

Kindy, Dixie, and Jeb,

Attached please find the United States' first set of interrogatories and document requests for both Defendants. I only plan on serving these via email. Please confirm that you will accept service of these by e-mail. Also, to follow up on my previous e-mail, please let me know if e-mail service generally will be acceptable to Defendants.

Electronically stored information (ESI) may be responsive to some of these requests. To the extent there is responsive ESI, we hope to discuss ESI production in detail during the teleconference that we are currently trying to schedule and come to some agreements about the form of production so that the process can be

maximally efficient for all of us.

Please let me know if you have any questions and thank you for your attention to this matter.

Sincerely,

Allan K. Townsend  
Senior Trial Attorney  
U.S. Department of Justice  
Civil Rights Division  
Employment Litigation Section--PHB  
601 D Street, NW  
Washington, DC 20579  
[\(202\) 305-3302](tel:(202)305-3302)

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