

1 **IAFRATE & ASSOCIATES**  
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5 Attorneys for Defendants Mohave County Board of Supervisors,  
6 Tom Sheahan, Bruce Brown, and Gary Trotter\*

7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE DISTRICT OF ARIZONA**

9	JOHN E. WHEELER,	)	NO.CV-06-02019-PCT-JWS (JRI)
		)	
10	Plaintiff,	)	
		)	<b>DEFENDANT MOHAVE COUNTY</b>
11	vs.	)	<b>BOARD OF SUPERVISORS'</b>
		)	<b>RESPONSES TO PLAINTIFF'S</b>
12	MOHAVE COUNTY BOARD OF	)	<b>NON-UNIFORM</b>
13	SUPERVISORS, et al.,	)	<b>INTERROGATORIES</b>
		)	<b>[SECOND SET]</b>
14		)	
	Defendants.	)	

16 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant Mohave  
17 County Board of Supervisors, by and through undersigned counsel, hereby respond  
18 to Plaintiffs' Non-Uniform Interrogatories as follows:

19 ///  
20 ///  
21 ///  
22 ///  
23

24 \* Defendants Law Library Officer and Mohave County Jail were dismissed pursuant  
to this Court's Order dated April 30, 2007. (Doc. 10)

1                                    **NON-UNIFORM INTERROGATORIES**

2 **NON-UNIFORM INTERROGATORY NO. 1:**

3            State the identity of the "final policymaker", concerning policy's governing the  
4 management and operation of the Mohave County Jail (final policy maker means in  
5 unreviewable policymaking authority).

6            **Sheriff Tom Sheahan.**

7 **NON-UNIFORM INTERROGATORY NO. 2:**

8            Has the Mohave County Board of Supervisors participated in the process of  
9 needs assessment, site selection and design build of a new jail facility to address  
10 overcrowding issues at the Mohave County Jail?

11            **Yes.**

12            If so, give dates and details of findings, and identify each person involved in this  
13 process.  
14

15            **Mohave County has determined to build a new jail that with a capacity of**  
16 **730 inmates that can be built out to a capacity of 850 inmates. A site for that**  
17 **jail has been selected and the ground breaking is expected to take place in**  
18 **February, 2008. The new jail is expected to be ready for occupancy in the**  
19 **summer of 2009. The Mohave County Board of Supervisors, Sheriff Sheahan,**  
20 **Director Brown, and numerous other persons participated in and contributed**  
21 **to the process that led to the decision to build a new jail.**

22 **///**

23 **///**

1 **NON-UNIFORM INTERROGATOR NO. 3:**

2 Has Mohave County been named as a defendant in any civil suit alleging  
3 violations of Constitutional Rights by any person who was confined at the Mohave  
4 County Jail?

5 **Yes.**

6 If so, identify the Plaintiff, Defendants, and their attorneys, the factual and legal  
7 basis of the Plaintiff's claims, the nature of any consent decrees, injunctions, and  
8 final orders, and case number and Court where any such suit was filed for each suit.

9 **Objections:**

10 **1. Information sought is not relevant and is not reasonably**  
11 **calculated to lead to discovery of admissible evidence.**

12 **2. Interrogatory is overbroad.**

13 **3. Interrogatory assumes facts other than as the Mohave County**  
14 **Board of Supervisors understands them to be. Specifically, interrogatory**  
15 **assumes that the Mohave County jail system is overcrowded.**

16 **4. This information is more readily available from court records.**

17 **NON-UNIFORM INTERROGATORY NO. 4:** *Withdrawn*

18 Has any finding been allocated to alleviate overcrowding conditions at the  
19 Mohave County Jail? If so, state amount and details for use of funds.

20 **Objections:**

21 **1. Information sought is not relevant and is not reasonably**  
22 **calculated to lead to discovery of admissible evidence.**

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**2. Interrogatory assumes facts other than as Mohave County Board of Supervisors understands them to be. Specifically, interrogatory assumes that the Mohave County jail system is overcrowded.**

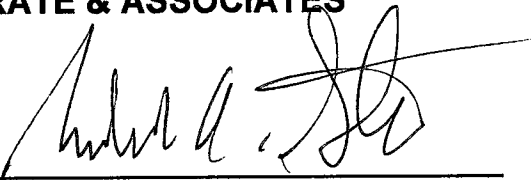
**Without waiving the foregoing objections, see response to Interrogatory No. 2.**

**NON-UNIFORM INTERROGATORY NO. 5:** *Withdrawn*

Provide any information required to be disclosed pursuant to Rule 26(a)(e), of the Federal Rules of Civil Procedure.

**There is no Rule 26(a)(e), Federal Rules of Civil Procedure.**

**DATED** this 15<sup>th</sup> day of January, 2008.

**IAFRATE & ASSOCIATES**  
By:   
**Michele M. Iafrate  
Richard A. Stewart  
Attorneys for Defendants Mohave  
County Board of Supervisors,  
Tom Sheahan, Bruce Brown, and  
Gary Trotter**

1 ORIGINAL of the foregoing mailed  
2 this 15<sup>th</sup> day of December, 2007, to:

3 John E. Wheeler, #49345  
4 ASP – Winslow  
5 2100 S. Hwy 87  
6 Winslow, Arizona 86047  
7 Plaintiff

8 By: 

1 **IAFRATE & ASSOCIATES**

2 649 North Second Avenue  
3 Phoenix, Arizona 85003  
4 (602) 234-9775

5 Michele M. Iafrate, #015115  
6 Richard A. Stewart, #003202  
7 miafrate@iafratelaw.com  
8 rstewart@iafratelaw.com

9 Attorneys for Defendants Mohave County Board of Supervisors, Tom Sheahan,  
10 Bruce Brown, Gary Trotter, Sandra Trotter, Lori Hoover and Shawn Kincade

11 **IN THE UNITED STATES DISTRICT COURT**  
12 **FOR THE DISTRICT OF ARIZONA**

13 JOHN E. WHEELER, ) NO.CV-06-02019-PCT-JWS (JRI)  
14 )  
15 Plaintiff, )  
16 ) **DEFENDANT TOM SHEAHAN'S**  
17 vs. ) **RESPONSES TO PLAINTIFF'S**  
18 ) **REQUESTS FOR ADMISSIONS**  
19 ) **[SECOND SET]**  
20 MOHAVE COUNTY BOARD OF )  
21 SUPERVISORS, et al., )  
22 )  
23 Defendants. )

24 Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Defendant Tom  
Sheahan, by and through undersigned counsel, hereby responds to Plaintiff's  
Request for Admissions [Second Set] as follows:

**REQUEST FOR ADMISSIONS**

**REQUEST FOR ADMISSION NO. 1:**

Admit that the main risk factors for Staph MRSA include living in unsanitary  
overcrowded conditions.

**Deny.**

///

1 **REQUEST FOR ADMISSION NO. 2:**

2 Admit that Plaintiff developed a skin infection durring [sic] his confinement at  
3 the Mohave County jail January 2006.

4 **Admit.**

5 **REQUEST FOR ADMISSION NO. 3:**

6 Admit that the skin infection Plaintiff developed January 2006 was medically  
7 treated as a Staph infection.

8 **Admit.**

9 **REQUEST FOR ADMISSION NO. 4:**

10 Admit that Mohave County jail policy provides that each inmate be provided  
11 not less than two (90) consecutive minutes in the excercise [sic] yard each week.

12 **Deny. Policy provides that all inmates are eligible for outdoor recreation**  
13 **subject to weather, staffing security and operational concerns.**

14 **REQUEST FOR ADMISSION NO. 5:**

15 Admit that Mohave County jail staff routinely fail to provide each inmate two  
16 (90) consecutive minutes in the excercise [sic] yard each week.

17 **Deny.**

18 **REQUEST FOR ADMISSION NO. 6:**

19 Admit that lack of adequate excercise [sic] causes diminished health.

20 **Deny.**

21 ///

22 ///

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1 **REQUEST FOR ADMISSION NO. 7:**

2 Admit that Plaintiff was indigent durring [sic] his confinement at the Mohave  
3 County jail because his account was debited for meals.

4 **Deny.**

5 **REQUEST FOR ADMISSION NO. 8:**

6 Admit that Mohave County jail policy requires an indigent inmate to self pay  
7 for legal photocopies of court documents.

8 **Deny.**

9 **REQUEST FOR ADMISSION NO. 9:**

10 Admit that Mohave County jail policy requires an inmate to self pay for  
11 postage of legal documents addressed to Courts, when the postage required  
12 exceeds two single stamped envelopes supplied to indigent inmates.

13 **Deny.**

14 *///*

15 *///*

16 *///*

17 *///*

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20 *///*

21 *///*

22 *///*

23 *///*

24 *///*



1 **REQUEST FOR ADMISSION NO. 10:**

2 Admit that Mohave County jail personel [sic] did not provide laundry service  
3 for inmate purchase clothing durring [sic] Plaintiffs confinement.

4 **Admit.**

5 **DATES** this 7<sup>th</sup> day of July, 2008.

6 **IAFRATE & ASSOCIATES**

7  
8  
9 By: 

10 Michele M. Iafrate  
11 Richard A. Stewart  
12 Attorneys for **Attorneys for Defendants**  
13 **Mohave County Board of Supervisors,**  
14 **Tom Sheahan, Bruce Brown, Gary**  
15 **Trotter, Sandra Trotter, Lori Hoover and**  
16 **Shawn Kincade**

17 **ORIGINAL** of the foregoing mailed  
18 this 7<sup>th</sup> day of July, 2008, to:

19 John E. Wheeler, #49345  
20 ASPC – Safford Tonto  
21 896 S. Cook Road  
22 Safford, Arizona 85546  
23 Pro Per

24 **COPIES** mailed to:

Gregory D. Cote  
**McCarter & English, LLP**  
265 Franklin Street  
Boston, Massachusetts 02110  
**Attorneys for Defendant Canteen Correctional Services**

1 J. Scott Conlon  
2 **Renaud Cook Drury Mesaros, PA**  
3 Phelps Dodge Tower  
4 One N. Central Ave., Suite 900  
5 Phoenix, Arizona 85004-4417  
6 **Attorneys for Defendant Prison Health Services**

7 By:   
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6 Tom Sheahan, Bruce Brown, and Gary Trotter\*

7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE DISTRICT OF ARIZONA**

9 JOHN E. WHEELER, ) NO.CV-06-02019-PCT-JWS (JRI)  
10 )  
Plaintiff, )  
11 vs. ) **DEFENDANT MOHAVE COUNTY**  
12 ) **BOARD OF SUPERVISORS'**  
13 ) **RESPONSES TO PLAINTIFF'S**  
MOHAVE COUNTY BOARD OF ) **NON-UNIFORM**  
14 ) **INTERROGATORIES**  
Defendants. ) **[THIRD SET]**  
15 )

16 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant Mohave  
17 County Board of Supervisors, by and through undersigned counsel, hereby  
18 responds to Plaintiffs' Non-Uniform Interrogatories as follows:

19 ///

20 ///

21 ///

22 ///

23 \_\_\_\_\_  
24 \* Defendants Law Library Officer and Mohave County Jail were dismissed pursuant  
to this Court's Order dated April 30, 2007. (Doc. 10)

1 **NON-UNIFORM INTERROGATORIES**

2 **NON-UNIFORM INTERROGATORY NO.6:**

3 State the identity of and supervisory personnel and their subordinate's identity  
4 whose duties include responsibility for ensuring that all services listed below were  
5 properly provided at the Mohave County Jail:

- 6 A. Food Service
- 7 B. Medical Care
- 8 C. Recreation
- 9 D. Access to Courts
- 10 E. Sanitation
- 11 F. Laundry – linen
- 12 G. Bedding
- 13 H. Classification
- 14 I. Special Needs to Disabled Inmates
- 15 J. Population Control

16 **Objection:**

17 Interrogatory assumes facts other than as Defendant Mohave County  
18 Board of Supervisors understands them to be. Specifically, no one is  
19 responsible for “ensuring” that any services are provided.

20 **Without waiving the forgoing objection:**

21 The Mohave County jail system with the exception of food service and  
22 medical care is under the control of Mohave County Sheriff Tom Sheahan.  
23 Food service for inmates in the jail system is provided by Canteen  
24 Corporation, an independent contractor. Medical care to inmates in the jail  
system is provided by Prison Health Services, Inc., an independent contractor.

///

///

1 **NON-UNIFORM INTERROGATORY NO.7:**

2 State the amount of money allocated for Medical Care Services at the jail, and  
3 the number of inmates this level of services can accommodate.

4 **Objection:**

5 **Information sought is not relevant and is not reasonably calculated to**  
6 **lead to the discovery of admissible evidence.**

7 **NON-UNIFORM INTERROGATORY NO.8:**

8 State the number of inmates the Mohave County Jail was designed to house,  
9 and state each date that the jail confined more inmates than were available beds at  
10 the jail. This request pertains from the time frame January 1, 2000 through the date  
11 of your response, and for each date that the jail housed more inmates than available  
12 beds at the jail state the total number of inmates who were confined at the jail. This  
13 request includes inmates who were held in booking.

14 **Objections:**

15 **1. Overbroad.**

16 **2. Information sought is not relevant and is not reasonably**  
17 **calculated to lead to the discovery of admissible evidence.**

18 **Without waiving the forgoing objections:**

19 **The Mohave County Jail can accommodate 244 inmates with double**  
20 **bunking. The Mohave County Jail annex can accommodate up to 160**  
21 **minimum security inmates, for a total of 404 inmates.**

22 **///**

23 **///**

1 **NON-UNIFORM INTERROGATORY NO.9:**

2 Identify the clerk of the Board of Supervisors Mohave County.

3 **Barbara Bracken.**

4 **DATED** this 5<sup>th</sup> day of February, 2008.

5 **IAFRATE & ASSOCIATES**

6  
7  
8 By: 

9 Michele M. Iafrate  
10 Richard A. Stewart  
11 Attorneys for **Defendants Mohave  
County Board of Supervisors,  
Tom Sheahan, Bruce Brown, and  
Gary Trotter**

12 **ORIGINAL** of the foregoing mailed  
13 this 5<sup>th</sup> day of February, 2008, to:

14 John E. Wheeler, #49345  
15 ASP – Winslow  
16 2100 S. Hwy 87  
17 Winslow, Arizona 86047  
18 Plaintiff

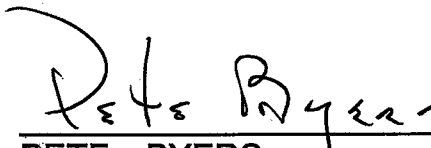
19 By: 

1 VERIFICATION

2  
3 STATE OF ARIZONA )  
4 County of Mohave ) ss.

5 **PETE BYERS**, being first duly sworn upon oath, deposes and says:

6 He is the Chairman of the Mohave County Board of Supervisors, and as  
7 such, has read the foregoing Defendant Mohave County Board of Supervisors  
8 Responses to Plaintiff John E. Wheeler's Non-Uniform Interrogatories [Third Set],  
9 and knows the contents thereof, and the same are true to the best of his knowledge  
10 and belief, both in substance and in fact, except those matters based upon  
11 information and belief, and as to those matters he believes them to be true.  
12

13   
14 \_\_\_\_\_  
15 PETE BYERS

16 **SUBSCRIBED AND SWORN TO** before me this \_\_\_\_ day of February, 2008.

17  
18  
19 \_\_\_\_\_  
Notary Public

20 My Commission Expires:  
21  
22 \_\_\_\_\_  
23  
24

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4 [miafrate@iafratelaw.com](mailto:miafrate@iafratelaw.com)  
[rstewart@iafratelaw.com](mailto:rstewart@iafratelaw.com)

5 Attorneys for Defendants Mohave County Board of Supervisors,  
6 Tom Sheahan, Bruce Brown, and Gary Trotter\*

7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE DISTRICT OF ARIZONA**

9 JOHN E. WHEELER, ) NO.CV-06-02019-PCT-JWS (JRI)  
10 )  
Plaintiff, )  
11 vs. ) **DEFENDANT TOM SHEAHAN'S**  
12 ) **RESPONSE TO PLAINTIFF'S**  
MOHAVE COUNTY BOARD OF ) **REQUEST FOR ADMISSIONS**  
13 SUPERVISORS, et al., )  
14 )  
Defendants. )

15 Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Defendant Tom  
16 Sheahan, by and through undersigned counsel, hereby responds to Plaintiff's  
17 Request for Admissions as follows:  
18

19 **REQUEST FOR ADMISSIONS**

20 **REQUEST FOR ADMISSION NO.1:**

21 Admit that you have responsibility and official duty for ensuring that the  
22 following services at the Mohave County Jail are properly provided:

23 A. Medical Care

24 \* Defendants Law Library Officer and Mohave County Jail were dismissed pursuant to this Court's Order dated April 30, 2007. (Doc. 10)



- B. Sanitation
- C. Bedding
- D. Food
- E. Exercise
- F. Access to Courts
- G. Inmate Safety
- H. Laundry

**Objection: the request for admission does not comply with Rule 36(a), Federal Rules of Civil Procedure, which requires that each matter as to which an admission is requested be separately set forth. Without waiving the foregoing objection:**

**Defendant denies that he has a legal duty to “ensure” that any services are provided. Defendant further denies that he has any duty to provide medical services to inmates. That function is assigned to the county by A.R.S. § 11-291(A). Defendant admits that he has a statutory duty to take charge of and keep the county jail system and the inmates therein.**

**REQUEST FOR ADMISSION NO.2:**

**Admit that staff MRSA is a communicable disease caused by overcrowding and unsanitary environment, and is also known as Community Associated Staph MRSA.**

**Objection: the request for admission does not comply with Rule 36(a), Federal Rules of Civil Procedure, which requires that each matter as to which an admission is requested be separately set forth. Without waiving the foregoing objection:**

1           **Defendant admits that MRSA is a communicable disease. Defendant**  
2 **denies that the disease is caused by overcrowding or an unsanitary**  
3 **environment. The disease is caused by a microorganism.**

4 **REQUEST FOR ADMISSION NO.3:**

5           Admit that inmates who contract staph at the jail are not segregated in  
6 medical isolation.

7           **Defendant admits that inmates are not automatically isolated in the**  
8 **medical observation area of the jail unless the inmate is not responding to**  
9 **administered antibiotics or refuses to follow wound care instructions. Medical**  
10 **guidelines from the Center for Disease Control (CDC) and the American**  
11 **Medical Association recommend isolation when adequate facilities are**  
12 **available or the prisoner does not comply with sanitary precautions issued by**  
13 **medical personnel, i.e., washing of hands frequently, manipulation of wound**  
14 **dressings or sharing of towels and bed linens.**

16 **REQUEST FOR ADMISSION NO.4:**

17           Admit that Plaintiff developed CA-MRSA during his confinement at the  
18 Mohave County Jail January – February 2006, and that the cause of this infliction  
19 was from being confined in an overcrowded and unsanitary environment at the  
20 Mohave County Jail.

21           **Objection: the request for admission does not comply with Rule 36(a),**  
22 **Federal Rules of Civil Procedure, which requires that each matter as to which**  
23

1 an admission is requested be separately set forth. Without waiving the  
2 foregoing objection:

3 Deny.

4 **REQUEST FOR ADMISSION NO.5:**

5 Admit that inmates housed at the Mohave County Jail are not assigned a  
6 bunk assignment, but are given a cell location for housing, and that Plaintiff was  
7 assigned a cell that held more inmates than beds during his confinement

- 8  
9 A. May 12, 2005 to date of release  
10 B. September 10, 2005 to date of release  
11 C. September 13, 2005 to September 20, 2005  
12 D. March 1-17, 2006.

13 **Objection: the request for admission does not comply with Rule**  
14 **36(a), Federal Rules of Civil Procedure, which requires that each matter as to**  
15 **which an admission is requested be separately set forth. Without waiving the**  
16 **foregoing objection:**

17 **Defendant admits that inmates are assigned a particular cell assignment**  
18 **within a specific housing area or areas within dayroom/dormitory area within**  
19 **the specific housing area of classification. When a specific bunk assignment,**  
20 **within a cell area is vacated, those inmates required to sleep on eight inch (8")**  
21 **fiberglass portable beds with four inch (4") mattress are moved to the**  
22 **available metal bunks and the portable beds are removed.**

23 ///

24 ///

///

1 **REQUEST FOR ADMISSION NO.6:**

2 Admit that the Mohave County Correctional Facility Inmate Manual, rules for  
3 sanitary practices does not provide for sanitation of showers, and sanitation of  
4 showers was not provided.

5 **Objection: the request for admission does not comply with Rule 36(a),**  
6 **Federal Rules of Civil Procedure, which requires that each matter as to which**  
7 **an admission is requested be separately set forth. Without waiving the**  
8 **foregoing objection:**

9 Defendant admits that the Manual does not address sanitation in  
10 showers. Defendant denies that sanitation for showers is not provided.

11 **REQUEST FOR ADMISSION NO.7:**

12 Admit that Mohave County Correctional Facility provides indigent inmates with  
13 two stamped envelopes per week and if postage cost exceeds maximum weight  
14 allowance for first class postage, is subject to postage costs at the expense of the  
15 sender, regardless of whether the mail is personal or legal outgoing mail.

16 **Objection: the request for admission does not comply with Rule 36(a),**  
17 **Federal Rules of Civil Procedure, which requires that each matter as to which**  
18 **an admission is requested be separately set forth. Without waiving the**  
19 **foregoing objection:**

20 Defendant admits that Mohave County Correctional Facility provides  
21 indigent inmates with two stamped envelopes per week. Personal mail, which  
22 includes mail relating to civil litigation to which an inmate is a party, is mailed  
23  
24

1 at the expense of the inmate. Legal mail, which is limited to mail relating to  
2 pending criminal charges, is sent at county expense.

3 **REQUEST FOR ADMISSION NO.8:**

4 Admit that Mohave County Jail policy and procedures do not provide any  
5 outdoor recreation during winter months, and two one and a half hour recreation  
6 periods are allowed during summer months.

7 **Objection: the request for admission does not comply with Rule 36(a),**  
8 **Federal Rules of Civil Procedure, which requires that each matter as to which**  
9 **an admission is requested be separately set forth. Without waiving the**  
10 **foregoing objection:**

11 **Defendant admits that inmates are provided two 90 minute outdoor**  
12 **exercise periods each week subject to weather and security considerations.**

13 **REQUEST FOR ADMISSION NO.9:**

14 Admit there were no programs or other activities offered to inmates who were  
15 confined in C-D pods at the Mohave County Jail during Plaintiff's confinement.

16 **Deny.**

17 **REQUEST FOR ADMISSION NO.10:**

18 Admit that when Plaintiff submitted sick call request Jan-Feb 2006 for a rash  
19 or staph infection, he was not called to sick call for a period of at least three weeks.

20 **Deny. Plaintiff was incarcerated on January 13, 2006 at 1530 hours.**

21 **Plaintiff received his initial medical screening by contract medical provider on**  
22 **January 15, 2006. At no time did Plaintiff indicate symptoms of skin infection.**

23 **Plaintiff was administered a fourteen (14) day medical assessment on January**  
24

1 26, 2006, at which time Plaintiff complained of skin infection on abdomen and  
2 a small cut on his left finger. Plaintiff was scheduled for Nurse Sick Call on  
3 January 27, 2006; which Plaintiff refused at 0815 hours. Plaintiff was  
4 rescheduled for Nurse Sick Call and seen by the contract nurse on February 2,  
5 2006 at 1020 hours. Jail physician prescribed antibiotic medication for the  
6 skin infection and the contract nurse cleaned, treated and bandaged the 2cm  
7 cut on the left finger. During the period March 1, 2006 through May 4, 2006,  
8 Plaintiff submitted sixteen (16) requests for medical service. Eight (8)  
9 requests were for demanded diet changes; two (2) requests were for  
10 psychiatric evaluations; three (3) requests were for orthopedic shoes; two (2)  
11 requests were for demanded pain medications; one (1) request for dental  
12 services. There are no documented requests for medical service prior to  
13 March 1, 2006 nor did the Plaintiff submit a medical request form regarding  
14 skin infections during the above period. Plaintiff was transferred to Arizona  
15 Department of Corrections on May 17, 2006.  
16

17 DATES this 31<sup>st</sup> day of December, 2007.

18 IAFRATE & ASSOCIATES

19  
20  
21 By: 

22 Michele M. Iafrate  
23 Richard A. Stewart  
24 Attorneys for Defendants Mohave  
County Board of Supervisors,  
Tom Sheahan, Bruce Brown, and  
Gary Trotter

1 ORIGINAL of the foregoing mailed  
2 this 31<sup>st</sup> day of December, 2007, to:

3 John E. Wheeler, #49345  
4 ASP – Winslow  
5 2100 S. Hwy 87  
6 Winslow, Arizona 86047  
7 Pro Per

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By 

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5 Attorneys for Defendants Mohave County Board of Supervisors,  
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8 **FOR THE DISTRICT OF ARIZONA**

9 JOHN E. WHEELER, ) NO.CV-06-02019-PCT-JWS (JRI)  
10 )  
Plaintiff, )  
11 vs. ) **DEFENDANT BRUCE BROWN'S**  
12 ) **RESPONSES TO PLAINTIFF'S**  
MOHAVE COUNTY BOARD OF ) **NON-UNIFORM**  
13 SUPERVISORS, et al., ) **INTERROGATORIES**  
14 ) **[SECOND SET]**  
Defendants. )

15 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant Bruce  
16 Brown by and through undersigned counsel, hereby responds to Plaintiff's Non-  
17 Uniform Interrogatories as follows:  
18

19 **NON-UNIFORM INTERROGATORIES**

20 **NON-UNIFORM INTERROGATORY NO. 1:**

21 State your full name, address, phone numbers, employer, job position, length  
22 of employment, salary, wages and income earned annually during your employment  
23 from date of hire.

24 \* Defendants Law Library Officer and Mohave County Jail were dismissed pursuant  
to this Court's Order dated April 30, 2007. (Doc. 10)



1           **Bruce H. Brown, Mohave County Jail, 415 Pine Street, Kingman, Arizona**  
2 **86401, Director, Adult Detention Division. Defendant Brown has been**  
3 **employed with the Mohave County Sheriff's Office and Mohave County for**  
4 **fifteen (15) years. Defendant Brown has been in the jail management since**  
5 **November 1994 as Deputy Jail Administrator; appointed Interim Administrator**  
6 **in August 1997; appointed Chief Administrator in December 1997.**

7           **Defendant Brown objects to providing income information for the reason**  
8 **that the information sought is not relevant and is not reasonably calculated to**  
9 **lead to the discovery of admissible evidence.**

10  
11 **NON-UNIFORM INTERROGATORY NO. 2:**

12           **Define your job duties as Sheriff of Mohave County in relation to management**  
13 **and operation of the Mohave County Jail.**

14           **The Sheriff is an elected official. As Director, Adult Detention Division,**  
15 **Defendant Brown's responsibilities are to manage the resources provided the**  
16 **Sheriff of Mohave County, by the Board of Supervisors, to sustain jail**  
17 **operations. Such resources include personnel, material(s) and physical plant**  
18 **facilities. Defendant Brown formulates policy and procedures to operate jail**  
19 **facilities in accordance with Public Law and National Correctional Standards.**  
20 **Defendant Brown is an appointed advisor to the Sheriff on matters relating to**  
21 **jail standards and associated changes in standards through case law review.**  
22 **Defendant Brown makes recommendations to the Sheriff on matters relating**  
23  
24

1 to promotion, demotion, award recognition and disciplinary matters relating to  
2 assigned human resource assets.

3 **NON-UNIFORM INTERROGATORY NO. 3:**

4 During your term of employment as Sheriff, have you been named as a  
5 Defendant in any civil suit alleging violation of constitutional rights of any person  
6 who was in your custody? If so, identify the Plaintiffs, Defendants, and their  
7 attorneys, the factual and legal basis of the Plaintiffs claims, the nature of any  
8 injunction, consent decrees, and final orders, and the case number and Court where  
9 any such suit was filed for each suit.

10 **Objections:**

11  
12 1. Information sought is not relevant and is not reasonably  
13 calculated to lead to the discovery of admissible evidence.

14 2. Information sought is more readily available from other sources,  
15 i.e., court records.

16 3. The burden of the discovery outweighs its likely benefit, taking  
17 into account the needs of the case, the amount in controversy, the parties'  
18 resources, the importance of the issues at stake in the litigation and the  
19 importance of the discovery in resolving these issues.

20 **NON-UNIFORM INTERROGATORIES 4:**

21 Have you participated in the process of needs assessment, site selection and

22 ///

23 ///

24

1 design build of a new jail facility to address overcrowding issues at the Mohave  
2 County Jail?

3 **Yes.**

4 If so, give the dates and details of findings in this process, and identify each  
5 person involved in this process.

6 **Mohave County has determined to build a new jail that with a capacity of**  
7 **730 inmates that can be built out to a capacity of 850 inmates. A site for that**  
8 **jail has been selected and the ground breaking is expected to take place in**  
9 **February, 2008. The new jail is expected to be ready for occupancy in the**  
10 **summer of 2009. The Mohave County Board of Supervisors, Sheriff Sheahan,**  
11 **Director Brown, and numerous other persons participated in and contributed**  
12 **to the process that led to the decision to build a new jail.**

13 **NON-UNIFORM INTERROGATORIES 5:** *Withdraw*

14 Provide any information required to be disclosed pursuant to Rule 26 (a)(e) of  
15 the Federal Rules of Civil Procedure.

16 **There is no Rule 26(a)(e), Federal Rules of Civil Procedure.**

17 **NON-UNIFORM INTERROGATORIES 6:**

18 State any and all training you have received relating to operation and  
19 management of the Mohave County Jail.

20 **Prior to employment with Mohave County, Defendant Brown was a**  
21 **seventeen (17) year veteran law enforcement officer with the United States**  
22 **Army; retiring in 1990 as a First Sergeant. Upon employment with the Mohave**  
23 **Army; retiring in 1990 as a First Sergeant. Upon employment with the Mohave**  
24

1 County Sheriff's Office in December 1992, Defendant Brown was academy  
2 trained in civilian pre-trial detention officer duties. In October 1993, Defendant  
3 Brown was sent to a federal rehabilitation training instructor's course in Fort  
4 McClellan, Alabama. In January 1993, then Sergeant Brown, started and  
5 became the senior Drill Instructor for the Mohave County Sheriff's Office Boot  
6 Camp. In November 1994, Defendant Brown applied for, and selected, as  
7 Lieutenant; Deputy Jail Administrator. Defendant Brown was appointed  
8 interim Jail Administrator in August 1997; appointed Division Jail  
9 Administrator in December 1997. Since that time, Defendant Brown has  
10 attended numerous training seminars through the National Institute of  
11 Corrections, the American Jail Association, American Corrections Association  
12 and Arizona Detention Association for Jail Commanders. Director Brown  
13 maintains membership in all nationally recognized correctional organizations.

14 **NON-UNIFORM INTERROGATORY NO. 7:**

15 Identify the dates of confinement of the Plaintiff at the Mohave County Jail  
16 giving: (for fine confinement)

- 17
- 18 A. Booking dates
  - 19 B. Dates of release

20 **(A): May 12, 2005**

21 **September 10, 2005**

22 **September 11, 2005**

23 **January 13, 2006.**

24 **(B): May 14, 2005**

1           **September 12, 2005**

2           **September 26, 2005**

3           **May 17, 2006.**

4           **NON-UNIFORM INTERROGATORY NO. 8:**

5           While confined at the Mohave County Jail the Plaintiff was placed on 23 hour  
6 a day lock down on or about March 1 through March 17, 2006. State:

- 7           A.     The reason for the lockdown.  
8           B.     Identify the discipline action that sanctioned the lockdown.

9           **On or about March 1, 2006, a 20 horsepower HVAC motor became non-**  
10 **operational. This motor provides the cooling and heating for C & D pod**  
11 **housing areas. The jail administration purchased large circulation fans;**  
12 **placing them in the housing areas to circulate the air until Mohave County**  
13 **Public Works Division could replace the motor. On or about March 3, 2006, D**  
14 **Pod housing rioted; causing severe damage to the housing area. C Pod;**  
15 **Plaintiff's housing area, demonstrated support to the adjacent D Pod riot by**  
16 **breaking cell door windows and smashing their television into the main**  
17 **housing area window. Threats to staff and members of the housing area**  
18 **refusing to participate prompted the Director to declare emergency**  
19 **conditions; placing both housing areas in administrative lockdown. Cell**  
20 **assignment changes were made to segregate those instigators of the**  
21 **disturbance to smaller two man cells. Plaintiff was re-housed on March 3,**  
22 **2006 to a larger, six (6) person double cell. Housing area population was**  
23 **thirty-eight (38) inmates; with 34 attached permanent bunks. Four (4)**  
24

1 additional inmates were placed upon available floor space within assigned  
2 cells, with mattresses, during the declared emergency conditions. Each cell  
3 of the housing area was provided cleaning supplies daily; showers and phone  
4 calls for one hour each day. All attorney and court appearances continued  
5 without interruption. Administrative lockdown was terminated on March 16,  
6 2006, after assurances the inmate population within Plaintiff's housing area  
7 would comply with facility rules and cease threats to staff and other inmates.  
8 All maintenance repairs had been completed within the administrative  
9 lockdown period.

10  
11 **NON-UNIFORM INTERROGATORY NO. 9:**

12 On or about May 5, 2006, Plaintiff was removed from C-Pod and taken to  
13 booking, states:

- 14 A. Date Plaintiff was taken to booking;  
15 B. Reason Plaintiff was taken to booking;  
16 C. Identify each floor officer in booking on the date Plaintiff was taken to  
17 booking;  
18 D. Identify the prison Health Services employee who passed medication  
19 on the date Plaintiff was taken to booking;  
20 E. Give the date Plaintiff was reclassified to A-Pod.

21 Computer records indicate Plaintiff was reclassified to holding area on  
22 April 6, 2006; moved to protective custody area, A Pod, Cell 14, on April 7,  
23 2006. Plaintiff stated to floor officers "he needed to be removed from C Pod  
24 housing because he and inmate KELSO were in disagreement on how the pod  
should be run." Plaintiff stated to floor officers "I need to get out of here  
before the pod riots again." Shift and medical personnel assignment sheets

1 are only kept for a period of twelve (12) months. Since this incident occurred  
2 twenty-one (21) months ago, personnel schedules are no longer available.

3 **NON-UNIFORM INTERROGATORY NO. 10:**

4 For each time the Plaintiff was booked into custody and held in booking at the  
5 jail state:

- 6 A. The cell location Plaintiff was held;
- 7 B. Total number of hours Plaintiff was held in booking;
- 8 C. Dates Plaintiff was classified to general population;
- 8 D. Identity of all inmates held in booking giving their cell location.

9 Computer records indicate the following regarding custody bookings:

10 **May 12, 2005 ..... Booked into County Jail @ 9:45 pm.**

11 **Housed in Holding cell #4; transferred to C Pod housing on May 14, 2005 @**  
12 **2:02 pm; released on Bond @ 11:37 pm May 14, 2005.**

13 **September 11, 2005 ..... Booked into County Jail @2:48 am. Housed**  
14 **in Holding cell #4; transferred to C Pod housing on September 11, 2005 @**  
15 **12:52 pm; released on Bond @ 7:03 pm September 12, 2005.**

16 **September 13, 2005 ..... Booked into County Jail @8:20 pm.**  
17 **Housed in Holding cell #4; transferred to D Pod housing on September 14,**  
18 **2005 @11:13 am; released on Bond @3:06 pm September 26, 2005.**

19 **January 13, 2006 ..... Booked into County Jail @6:21 pm.**  
20 **Housed in Holding cell #4; transferred to C Pod housing on January 15, 2006**  
21 **@ 5:01 pm; released to Arizona Department of Corrections on May 17, 2006.**

22 **Defendant Brown objects to providing the identities of all inmates giving**  
23 **their cell location for the reasons that:**  
24

1           1.    The information sought is not relevant and is not reasonably  
2 calculated to lead to the discovery of admissible evidence.

3           2.    The burden of the discovery outweighs its likely benefit, taking  
4 into account the needs of the case, the amount in controversy, the parties'  
5 resources, the importance of the issues at stake in the litigation and the  
6 importance of the discovery in resolving these issues.

7 **NON-UNIFORM INTERROGATORY NO. 11:**

8           Describe in detail the booking area at the Mohave County Jail giving:

- 9  
10          A.    The number of booking cells and cell location numbers;  
11          B.    The number of bunks in each cell;  
12          C.    The ventilation system in each booking cell.

13           There are six (6) holding cells. Holding cell #1 has a single bunk.  
14 Holding cell #2 has six (6) bunks; holding cell #3 has four(4) bunks; holding  
15 cell #4 has six (6) bunks; holding cell #5 has a single bunk; holding cell #6 has  
16 four (4) bunks. Ventilation is forced air/heat.

17 **NON-UNIFORM INTERROGATOR NO. 12:** *Wittchawm*

18           Describe in detail the housing units at the jail giving:

- 19          A.    The total number of beds at the jail;  
20          B.    The number of pods, and pod location number and or letter;  
21          C.    The number of beds, and or bunks in each cell, giving cell location  
22 numbers.

23           **Objection: Information sought is not admissible and is not reasonably**  
24 **calculated to lead to the discovery of admissible evidence.**

25 *///*  
26 *///*



1 **NON-UNIFORM INTERROGATORIES 13:** *Withdrawn*

2 For each day the Plaintiff was confined at the jail during each term of  
3 confinement state: (For 13-A, give total count through date of response).

- 4 A. The total number of inmates confined at the jail and their identity.  
5 B. The location and or housing assignment of those inmates defined in 13-  
6 A above.  
7 C. The identity of each staff member at the jail, giving their job assignment  
8 and supervisor's identity.

9 **Objection: The Courts Order of July 30, 2007, imposes a limit of 25**  
10 **interrogatories including subparts on each party to any other party. The**  
11 **preceding interrogatories, including subparts, constitute 25 interrogatories.**  
12 **Defendant objects to the foregoing interrogatory and the subsequent**  
13 **interrogatories on the ground that all additional interrogatories exceed this**  
14 **limit.**

15 **NON-UNIFORM INTERROGATORY NO. 14:** *Withdrawn*

16 Describe in detail bedding provided to inmates who are held:

- 17 A. In booking;  
18 B. In general population.

19 **NON-UNIFORM INTERROGATOR NO. 15:** *Withdrawn*

20 State the location where mattresses are stored, and state the reason why the  
21 mattresses:

- 22 A. Are stacked on the floor in hall location that is regularly flooded by  
23 inmates who back up their toilets;  
24 B. The reason why soiled torn mattresses are issued to inmates.

25 ///

26 ///

1 **NON-UNIFORM INTERROGATOR NO. 16:** *Withdrawn*

2 Identify the person or persons and their immediate supervisor's identity,  
3 whose duties include inventory, purchase and supply of bedding, pillows,  
4 mattresses, bed linen, and for each item state:

- 5 A. Dates of inventory;
- 6 B. Number of items in inventory;
- 7 C. Purchase order dates and number of items purchased;
- 8 D. Reason why pillows are not issued;
- 9 E. Reason why bed linen was not exchanged January through March, 2006;
- 10 F. Manufacture materials of pillows and mattresses.

11 **NON-UNIFORM INTERROGATOR NO. 17:**

12 Identify the person or persons and their immediate supervisor's identity,  
13 whose duties include sanitation at the jail giving:

- 14 A. Method of sanitation;
- 15 B. Formal housekeeping plan;
- 16 C. Sanitation schedule;
- 17 D. Reason why during Plaintiff's confinement sanitation of booking cells, showers, dayrooms, mattresses, was not provided.

18 **NON-UNIFORM INTERROGATOR NO. 18:**

19 Identify the person or persons, and their immediate supervisor's identity,  
20 whose duties include laundry or inmate personal laundry and state:

- 21 A. Method for laundry service;
- 22 B. Reason why laundry service was not provided for personal laundry items. (Those items purchased from commissary)

23 **NON-UNIFORM INTERROGATORY NO. 19:**

24 Identify the person, or persons, and their immediate supervisor's identity,  
whose duties include providing recreation and exercise to inmates confined at the  
jail and state:

- 1 A. What recreation and exercise facilities are provided;  
2 B. Any restrictions on use of recreation facilities;  
3 C. Amount of time provided for use to Plaintiff, for each week of his  
4 confinement.

4 **NON-UNIFORM INTERROGATORY NO. 20:** *Withdrawn*

5 Describe in detail fire safety equipment and procedures and state:

- 6 A. All fire safety equipment;  
7 B. Location of all fire exits;

8 **NON-UNIFORM INTERROGATORY NO. 21:** *Withdrawn*

9 Describe in detail all fire evacuation plans and state:

- 10 A. Number of cell that require manual unlocking, both during daytime and  
11 nighttime hours.  
12 B. Identify how many key sets are available, and their location for working  
13 cell doors.  
14 C. State the number of officers on duty available to unlock cell doors in the  
15 event of fire.

16 **NON-UNIFORM INTERROGATOR NO. 22:**

17 Identify the method and procedure for providing security at the jail and state:

- 18 A. Security walk schedule;  
19 B. Reason why security lighting in many cells was inoperable.

20 **NON-UNIFORM INTERROGATOR NO. 23:**

21 State the identity of any person, or persons, and their immediate supervisor's  
22 identity, whose duties include classification of inmates and state:

- 23 A. Identity of persons who classified Plaintiff;  
24 B. Nature of Plaintiff's classification;  
25 C. Classification procedures and protocol for separation of violent from  
26 non-violent detainees.

27 ///

28 ///

29 ///

1 **NON-UNIFORM INTERROGATORY NO. 24:** *Withdrawn*

2 State the identity of any person, or persons, and their immediate supervisor's  
3 identity, whose job duties included maintenance at the jail and state:

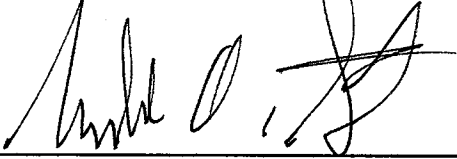
- 4 A. Reason why fire sprinkler system was inoperable;
- 5 B. Dates of repair to fire sprinkler system;
- 6 C. Dates of repair to security lighting in cells;
- 7 D. Dates of inspection of lighting and fire sprinkler system;
- 8 E. Date sprinkler system became inoperable.

7 **NON-UNIFORM INTERROGATORY NO. 25:** *Withdrawn*

8 State any and all standards for common jail facilities, pursuant to A.R.S. 31-  
9 101.

12 **DATES** this 15<sup>th</sup> day of January, 2008.

15 **IAFRATE & ASSOCIATES**

16  
17 By: 

18 Michele M. Iafrate  
19 Richard A. Stewart  
20 Attorneys for Defendants Mohave  
21 County Board of Supervisors,  
22 Tom Sheahan, Bruce Brown, and  
23 Gary Trotter  
24

1 ORIGINAL of the foregoing mailed  
2 this 15<sup>th</sup> day of January, 2008, to:

3 John E. Wheeler, #49345  
4 ASP – Winslow  
5 2100 S. Hwy 87  
6 Winslow, Arizona 86047  
7 Plaintiff

8 By: 

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VERIFICATION

STATE OF ARIZONA )  
 ) ss.  
County of Mohave )

**BRUCE BROWN**, being first duly sworn upon oath, deposes and says:

That he has read the foregoing Responses to Plaintiff's Non-Uniform Interrogatories [Second Set], and knows the contents thereof, and the same are true to the best of his knowledge and belief, both in substance and in fact, except those matters based upon information and belief, and as to those matters he believes them to be true.

*Bruce Brown*  
\_\_\_\_\_  
BRUCE BROWN

**SUBSCRIBED AND SWORN TO** before me this 11<sup>th</sup> day of January, 2008.

*Linda S. Faris*  
\_\_\_\_\_  
Notary Public

My Commission Expires:

January 29, 2009

