

## David Dixon

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**From:** David Dixon  
**Sent:** Wednesday, November 16, 2011 10:54 AM  
**To:** James Graves  
**Cc:** David Dixon  
**Subject:** RE: Forrest v Powell

I'll notify the court of our disagreement. Please provide an ETA of when I can expect all other materials.

**J. David Dixon**  
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**From:** James Graves [<mailto:jgraves@bassettlawfirm.com>]  
**Sent:** Wednesday, November 16, 2011 10:45 AM  
**To:** David Dixon  
**Subject:** RE: Forrest v Powell

All is agreeable except as to Int 1 and RFPD 1 ... I think my proposal for those is more than what you need to prosecute your equal pay claim, and is very fair. I guess we will need to have a hearing on that one issue.

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**From:** David Dixon [<mailto:ddixon@davis-firm.com>]  
**Sent:** Wednesday, November 16, 2011 10:28 AM  
**To:** James Graves  
**Cc:** David Dixon  
**Subject:** RE: Forrest v Powell

James

As for the proposals regarding RFP No. 14, 15 and 16, I am willing to agree to what you propose with clarification of and subject to:

RFP No 14 and 15. It is my understanding you are willing to produce the subject materials as requested. Without limiting those requests, this includes all subject documents, with intent focused on email communications, sent or received by or passed among, any Siloam Springs employee during plaintiff's employment. "Employee" being construed in the legal sense and including any employee, agent, or representative of Defendant, including any manager or supervisor who exercised or had the right to exercise authority and/or control over Plaintiff but may have not maintained an office at the Siloam Springs store, such as Defendant's owners, executive officers, human resource managers or staff, regional or district managers, and other store managers.



RFP No. 16. This request seeks more than mere policies and procedures but all "documents" as defined in plaintiff's Int & RFP. In light of that clarification, and without limiting that request, if defendant has no such documents, outside of the proposed policies for hiring and retention, defendant's response that no such documents exist is fine.

As for Int No. 1 and RFP No. 1, I cannot agree to what you propose.

Plaintiff's position on these requests is found in plaintiff's motion to compel pleadings. That is, there would be no limitations on Int No. 1 except agree to entry of a confidentiality order/agreement and RFP No. 1 would be limited to the Siloam Springs location and subject to same confidentiality order/agreement.

Please let me know if the above is agreeable.

**J. David Dixon**

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**From:** James Graves [<mailto:jgraves@bassettlawfirm.com>]

**Sent:** Tuesday, November 15, 2011 4:24 PM

**To:** David Dixon

**Subject:** RE: Forrest v Powell

David,

My understanding of where we are:

Interrogatory No. 1 and RFPD No. 1

*Last Offer of Plaintiff:* Wants identity, gender, hire/term dates and pay rates for all current and former employees and managers of defendant

*Last offer of Defendant:*

- 1) name, title, gender and hire/term dates for all current employees at the Siloam Springs location where Plaintiff was employed;
- 2) the same for former employees at the Siloam Springs location during the timeframe of Plaintiff's employment, adding last known phone number and address;
- 3) name, title, gender and hire/termination dates of any upper management that may have exercised control at the Siloam Springs location, even if they only visited the location occasionally;
- 4) pay rates, subject to a confidentiality order being in place to prevent dissemination of pay information, and dates of employment for those employees identified in 1-3 above who were in equivalent employment positions to the plaintiff, and for those in employment positions equivalent to the one for which she applied and to which she was denied promotion

*Today:* I would agree to modify (4) above to include pay rates for all employees included in (1) – (3) above. In other words, upper management with control at the Siloam location, current employees at Siloam, and former employees who worked during the time frame of plaintiff's employment, provided we reach agreement on an appropriate confidentiality order which I commit to get to you this week

RFPD 14 and 15:

*Last offer of Plaintiff:* Wants all emails requested ... those of a sexually explicit nature or containing nudity ... which implicated employees at Siloam or upper management

*Last offer of Defendant:* Not producing

*Today:* I would be willing to search for and produce any such emails that were distributed by or to employees at Siloam during the timeframe Plaintiff was employed there to the extent they exist and were retained.

RFPD 16:

*Last offer of Plaintiff:* Seeking any policies which bear on the hiring, retention of firing of females

*Last offer of Defendant:* Not producing

*Today:* I would be willing to produce the employee handbooks and training materials. Powell is not aware of any documents that are specific to females, but these are the policies for hiring, retention etc for the stores. We would simply respond that beyond that, there is not a set of policies that appear to fit what you have requested.

Please advise whether we can reach agreement without further intervention of the Court. Thanks.

**James M. Graves | Attorney at Law**  
Bassett Law Firm LLP

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**From:** David Dixon [<mailto:ddixon@davis-firm.com>]  
**Sent:** Tuesday, November 15, 2011 11:19 AM  
**To:** James Graves  
**Cc:** David Dixon  
**Subject:** Forrest v Powell

James

The deadline to get back with the court on order to confer is tomorrow. Please let me know what defendant's position is on settling discovery dispute.

Thanks

**J. David Dixon**  
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