

## David Dixon

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**From:** David Dixon  
**Sent:** Monday, November 28, 2011 4:31 PM  
**To:** 'James Graves'  
**Subject:** RE: Forrest v Powell discovery

Agreed. Thanks. I'll call the court and let you know.

### J. David Dixon

Davis, Clark, Butt, Carithers, & Taylor, PLC  
19 East Mountain St.  
P.O. Box 1688  
Fayetteville, AR 72702-1688  
Tel: (479) 521-7600  
Fax (479) 521-7661  
[ddixon@davis-firm.com](mailto:ddixon@davis-firm.com)

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**From:** James Graves [<mailto:jgraves@bassettlawfirm.com>]  
**Sent:** Monday, November 28, 2011 4:28 PM  
**To:** David Dixon  
**Subject:** Re: Forrest v Powell discovery

Yes.

James M. Graves  
Bassett Law Firm LLP  
PO Box 3618  
Fayetteville, AR  
Phone: 479-521-9996  
Fax: 479-521-9600  
Email: [jgraves@bassettlawfirm.com](mailto:jgraves@bassettlawfirm.com)  
Sent from my iPhone

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On Nov 28, 2011, at 4:26 PM, "David Dixon" <[ddixon@davis-firm.com](mailto:ddixon@davis-firm.com)> wrote:

James,



Can we agree to a deadline that defendant's outstanding discovery will be produced? I'm thinking no later than noon, December 8<sup>th</sup>; that 10 days from now. Is that doable?

**J. David Dixon**  
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Fayetteville, AR 72702-1688  
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**From:** James Graves [<mailto:jgraves@bassettlawfirm.com>]  
**Sent:** Monday, November 28, 2011 4:19 PM  
**To:** David Dixon  
**Subject:** Re: Forrest v Powell discovery

This is agreeable. Will you contact the court and then let me know whether or not I still need to go to Ft Smith tomorrow?

James M. Graves  
Bassett Law Firm LLP  
PO Box 3618  
Fayetteville, AR  
Phone: 479-521-9996  
Fax: 479-521-9600  
Email: [jgraves@bassettlawfirm.com](mailto:jgraves@bassettlawfirm.com)  
Sent from my iPhone

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On Nov 28, 2011, at 4:00 PM, "David Dixon" <[ddixon@davis-firm.com](mailto:ddixon@davis-firm.com)> wrote:

James,

In a continuing effort to resolve our discovery dispute, see below. Please note that, except as specifically mentioned, none of the below is intended to limit the respective discovery

request, nor should the below be considered a waiver of any of plaintiff's rights re discovery.

In addition to what we previously agreed regarding discovery, per our conversation earlier today, below is what I understand defendant is willing to further agree to as concerns the parties' discovery dispute, and, if correct, what plaintiff will agree.

INT #1: All the requested information will be provided for following individuals: Siloam Springs employees; all corporate mgmt/employees, e.g., Kirk Sr and Jr, Landon Logan, Jackie Bosshardt, Lacey Powell; all management that exercises control at Siloam Springs but does not maintain office there; all store managers; and each individual in same position as plaintiff company-wide. All requested information, with exception of name, address and phone will be provided for all other company-wide employees. This request corresponds to period of time during plaintiff employment.

RFP # 1: Production of the personnel records will be limited to employees of the Siloam Springs location, but which includes any management/supervisors that was able to exercise control at Siloam Springs but did not maintain an office there. This request corresponds to period of time during plaintiff employment.

--Other concerns I raised by letter dated November 21, 2011, and now ask defendant to confirm it will be producing same in a timely manner, are:

INT #2: Compensation and benefits information concerning plaintiff, i.e., plaintiff's entire pay and benefits records, including description of benefits.

RFP #2: Communications/documents (with intent focused on, but not limited to, email traffic by, to, from, and among defendant's employees or representatives) regarding plaintiff's application for unemployment benefits.

RFP #3: Communications/documents (with intent focused on, but not limited to, email traffic by, to, from, and among defendant's employees or representatives) regarding plaintiff's EEOC charge.

RFP #6: Communications/documents (with intent focused on, but not limited to, email traffic by, to, from, and among defendant's employees or representatives) regarding defendant's investigation of or discipline imposed in response to allegations within plaintiff's complaint.

RFP #7: Communications/documents (with intent focused on, but not limited to, email traffic by, to, from, and among defendant's employees or representatives) regarding plaintiff's hiring, employment, performance, denial of promotion, and termination. Intent of this request further includes evidence of communications/documents concerning payment of vacation pay to plaintiff.

RFP #20: Communications/documents between plaintiff and defendant regarding the subject of the case.

RFP #21: : Communications/documents between defendant and a third party regarding the subject of the case.

RFP #22: : Communications/documents (with intent focused on, but not limited to, email traffic) that may concern or relate to this matter.

To aid in the immediate above, following are some proposed search terms to aid in retrieving potentially relevant emails:

Melinda  
Forrest  
Kelly (see most recent discovery requests)  
Petty (see most recent discovery requests)  
Jerald  
Southern  
EEOC  
Unemployment benefits  
Discrimination  
Discriminate  
Harassment  
Harass  
Retaliation  
Retaliate  
Sex  
Sexual  
Store manager  
Gender  
Vacation pay  
Promotion  
Equal Employment Opportunity Commission (or any common abbreviation thereof)  
Two week notice  
Investigation

These search terms are not intended to be all encompassing, nor to limit the actual request, nor to limit actual production to only emails.

Lastly, plaintiff requests that defendant confirm to verify its initial and supplemental discovery responses, and that should production of any of the above documents not be produced prior to the upcoming depositions, defendant agrees not to contest plaintiff's right to continue any such deposition for a later date after production of same. Still, plaintiff make no commitments that she will not seek a court hearing to expedite production of discovery if not timely.

Please let me know if the above is agreeable.

**J. David Dixon**  
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Tel: (479) 521-7600  
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