

# EXHIBIT A

PLUNKETT  COONEY

September 10, 2010

**Via Email Only**

Amos E. Williams, Esq.  
Thomas Kuhn, Esq.  
615 Griswold, Suite 1115  
Detroit, MI 48226

Re: Thomas D'Angelo vs. Clinton Township, et al.  
Macomb County Case No. 10-944-NO  
USDC Case No. 2:10-cv-12195  
Our File No. 01397.01593

Gentlemen:

Please find enclosed Defendants Clinton Township, Nicholas Dykas, Jason Figurski and Keith Watson's Response to Plaintiff's First Discovery Requests to Defendants and Proof of Service in both the Federal and Macomb Circuit case. Please advise if you will dismiss your Motions to Compel.

Please also advise when I may depose your client relative to this matter.

Thank you for your assistance.

Very truly yours,



Peter W. Peacock  
Direct Dial: (586) 466-7605

PWP/cph

Enclosures

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

THOMAS D'ANGELO,

Plaintiff,

Case No. 2:10-c-12195

vs.

Hon. Lawrence P. Zatkoff

PAUL PARENT, CLINTON TOWNSHIP,  
a municipal entity, NICHOLAS DYKAS,  
JASON FIGURSKI and KEITH WATSON,  
in their official and individual capacities,  
jointly and severally,

Magistrate Judge Mona Majzoub

Defendants.

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STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

THOMAS D'ANGELO,

Plaintiff,

Case No. 10-944-NO

vs.

Hon. Matthew Switalski

PAUL PARENT, CLINTON TOWNSHIP,  
a municipal entity, NICHOLAS DYKAS,  
JASON FIGURSKI and KEITH WATSON,  
in their official and individual capacities,  
jointly and severally,

Defendants.

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Plunkett Cooney  
Attorneys for Defendants Clinton Township,  
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**DEFENDANTS CLINTON TOWNSHIP, NICHOLAS DYKAS,  
JASON FIGURSKI and KEITH WATSON'S RESPONSE TO PLAINTIFF'S FIRST  
DISCOVERY REQUESTS TO DEFENDANTS**

NOW COME Defendants, CLINTON TOWNSHIP, NICHOLAS DYKAS, JASON FIGURSKI and KEITH WATSON (hereinafter referred to as "Defendant"), by and through their attorneys, Plunkett Cooney, and for their Response to Plaintiff's First Discovery Requests to Defendants states as follows:

1. Please state the name, title and current address of each and every person who participated in the preparation of the answers to these interrogatories to Defendant and state which interrogatories they participated in answering.

**RESPONSE:**

Defense counsel and Chief Fred Posavetz, Clinton Township Police Department, 37985 Groesbeck Highway, Clinton Township, MI 48036.

2. Please produce all records, including but not limited to, all activity logs, car logs, daily book entries, incident reports, attendant, pay for Defendants and anyone involved in investigating the incident for which Plaintiff was charged.

**RESPONSE:**

Defendants object to Plaintiff's request in that the information requested is overly broad, unduly burdensome and will not lead to any discoverable issues. In the interest of cooperating with the discovery process, see attached Charter Township of Clinton Police Department General Incident Report, Macomb County Sheriff's Department Jail Detention Card and 41B District Court Order of Acquittal/Dismissal or Remand.

3. Please produce any and all records including but not limited to all reports, recorders, summaries, recapitulations concerning anyone involved in investigating the incident for which Plaintiff was charged.

**RESPONSE:**

See Response to No. 2.

4. Please produce a copy of any and all records, including but not limited to, affidavits, videos, audios, computer-generated records, statements and/or photos relating to Plaintiff.

**RESPONSE:**

See Response to No. 2.

5. Please produce a copy of any and all records, including but not limited to, all general orders, special orders, executive orders, training materials, standard operating procedures or the like, which govern arrest, seizure, and/or questioning of witnesses and/or suspects.

**RESPONSE:**

Defendants object to Plaintiff's request in that the information requested is overly broad, unduly burdensome and will not lead to any discoverable issues. In the interest of cooperating with the discovery process, defense counsel states the pertinent portions of Clinton Township Police Department Policies and Procedures can be produced pursuant to the parties entering into a Protective Order.

6. Please produce any and all records, including but not limited to, all complaints, misconduct reports, complaints, ombudsman investigations, internal investigations concerning arrest, seizure, and/or questioning of witnesses and/or suspects.

**RESPONSE:**

Defendants object to Plaintiff's request in that the information requested is vague, overly broad, unduly burdensome and will not lead to any discoverable issues.

7. Please list Please list the names, present addresses, places of employment, and job titles of each of the following persons:

- a. All witnesses known to the Defendant(s) who saw Plaintiff at the time of the incident.
- b. All persons who participated in the incident related to Plaintiff;
- c. All witnesses who were present during any investigation of Plaintiff's incident.
- d. All employees on duty and anyone involved in investigating the incident for which Plaintiff was charged..
- e. The person who has and/or had custody of records requested in this request.

**RESPONSE:**

See attached General Incident Report.

8. Please produce all records, including but not limited to all written reports, records, or other documents, photographs, audio tapes and video tapes, computer-generated files and/or records, including but not limited to phone logs, daily activity logs, and desk books if any, relating to the Plaintiff in the possession, custody, or control of Defendants

**RESPONSE:**

See Response to No. 2.

9. Does Defendant have a record of any incidents and/or misconduct of Plaintiff? If so, please produce them.

**RESPONSE:**

See Response to No. 2.

10. Was any type of investigation conducted into the propriety of any of the Defendants' or Defendants' agents' actions? If yes, please:

- a. Identify all persons who conducted or participated in such investigation;
- b. Produce a copy of all documents concerning such investigation or generated during the course of such investigation.
- c. Identify the results of such investigation.

**RESPONSE:**

No.

11. Have any of the Defendants or Defendants' agents involved in investigating the incident for which Plaintiff was charged, ever been named as a Defendant in any other lawsuit? If yes, please provide the following:

- a. The identities of all parties named as Plaintiffs and Defendants, and their respective attorneys;
- b. The date each suit was filed, the case number, the court and the judge assigned to each case;

- c. The substance of the allegations involved in each case;
- d. The outcome of each case, e.g., settlement, jury trial, bench trial, etc., the date of the outcome, and the current status.

**RESPONSE:**

Defendants object to Plaintiff's request in that the information requested is vague, overly broad, unduly burdensome and will not lead to any discoverable issues.

12. Please produce a copy of all complaints lodged against Defendants and/or Defendants' agents involved in investigating the incident for which Plaintiff was charged, including, but not limited to, all records concerning any investigation of each complaint and the disposition of each complaint.

**RESPONSE:**

See Response to No. 11.

13. For each person not previously identified whom Defendant believes may have knowledge or claims to have knowledge relevant to any allegation or claim in the complaint, please state:

- a. Their name;
- b. Their current and last known home address;
- c. Their current or last known employer's name and address;
- d. The substance of their knowledge.

**RESPONSE:**



Unknown at the present time as discovery is just beginning. Defendants will supply their list of witnesses as so ordered by the Court and upon completing their Rule 26 disclosures..

14. Please identify all expert witnesses Defendants will use and please state:
  - a. His/her field of expertise;
  - b. His/her educational background;
  - c. With respect to any other lawsuit in which each witness has been a witness or consultant;
    - i. The name of the Court;
    - ii. The caption of the case;
    - iii. The date of its filing and name of the party for whom she/he testified or consulted;
    - iv. The name of the attorney representing any party;
    - v. The substance of his/her testimony.
  - d. State the number of times the witness has been consulted by the lawyer and/or law firm for Defendants herein; and the number of times she/he has testified (by deposition or at trial) for said lawyer and/or law firm;
  - e. Please state when Defendant or its attorney first made arrangements for him/her to appear as a witness on Defendant's behalf in this case;
  - f. If the witness has or intends to consult or rely upon any text or journal, state the name, author (or editor), publisher, edition and precise portion of said text, including in the case of a journal the volume number and page and title of the article;
  - g. If the witness has or intends to consult with any other person relative to the testimony to be offered by the witness at trial, state the name, address, phone number and specialty of said person;

- f. If the witness has rendered comments or an opinion to either Defendant or its attorneys, were the comments or opinion written or verbal;
- g. If the witness has rendered comments or an opinion to either Defendant and/or its attorneys, please state the substance of facts and opinions as to which she/he is expected to testify. Please do not state mere conclusions;
- h. Please give a summary of the grounds for each opinion which the witness is expected to testify;
- i. If the witness has prepared any letter, notes reports or written document relative to any opinion in this matter, attach a copy;
- j. Please produce a copy of each witness' curriculum vitae.

**RESPONSE:**

Not applicable as of the present date as Defendants have not yet retained any experts. Defendants will supplement this response once experts are retained.

15. Please produce any and all documents which Defendants may use as exhibits at the time of trial.

**RESPONSE:**

See documents produced in Response to No. 2. Additional documents may become known through the discovery process.

16. Please provide a complete and legible copy of the entire police and/or personnel file, for all individually named Defendants.

**RESPONSE:**

With respect to Plaintiff's request to produce the personnel file of Defendant Police Officers, Defendants object to this request as it is overbroad and the information requested is privileged and irrelevant in the instant cause. In addition:

a. Executive privilege may be asserted when disclosure information may be contrary to the government's interest.

b. The discovery process has been abused by this overly broad request for the information, as much of the information is irrelevant.

c. The information in the personnel file is confidential and protected from discovery by the officers' rights to privacy.

17. Please provide a complete and legible copy of any investigation file involving individually named Defendants.

**RESPONSE:**

Defendants object to Plaintiff's request in that the information requested is vague, overly broad, unduly burdensome and will not lead to any discoverable issues.

18. Please provide a complete and legible copy of all lawsuits alleging violation of Fourth or Fourteenth Amendment rights, from 1999 to present. Plaintiff will accept a compilation of such cases or Plaintiff will examine the records as kept in the ordinary course of business.

**RESPONSE:**

Defendants object to Plaintiff's request in that the information requested is vague, overly broad, unduly burdensome and will not lead to any discoverable issues. Further, any lawsuits involving the Charter Township of Clinton are public records.

19. Please provide a complete and legible copy of the all records relating to the insurance, indemnity and/or assumption of liability, for Defendants involved in this case.

**RESPONSE:**

Defendant objects to this request as the information requested is irrelevant and unduly burdensome and will not lead to any discoverable issues.

PLUNKETT COONEY

BY: S/Peter W. Peacock  
PETER W. PEACOCK (P37201)  
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(586) 466-7605

Dated: September 10, 2010

**PROOF OF SERVICE**

The undersigned certifies that on September 10, 2010, a copy of the foregoing document was served upon the attorney(s) of record and Defendant Parent in this matter at their stated business address as disclosed by the records herein via:

Hand delivery                       Overnight mail  
 U.S. Mail                               Email

I declare under the penalty of perjury that the foregoing statement is true to the best of my information, knowledge and belief.

s/Peter W. Peacock

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