

FILED

OCT 9 2012

JULIE A. RICHARDS, CLERK
US DISTRICT COURT, EDNC
BY ERL DEP CLK

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO: 7:12-CV-20FL**

SHERRYL LYNN JACOBS)	
Plaintiff,)	PLAINTIFF'S FIRST SET OF REQUEST
vs.)	FOR ADMISSIONS, FIRST SET OF
)	INTERROGATORIES, AND FIRST SET OF
ROBESON COUNTY PUBLIC LIBRARY)	REQUEST FOR PRODUCTION OF
BOARD OF DIRECTORY FOR ROBESON))	DOCUMENTS
COUNTY PUBLIC LIBRARY,ROBERT F.))	Fed. R. Civ. P. 33
FISHER, HORACE STACY, GAYLE)	Fed. R. Civ. P. 34
McLEAN, TINA MELLEN-STEPP-)	Fed. R. Civ. P. 36
THOMAS, ELIZABETH TOWNSEND,)	
LARRY McGOUGAN)	
Defendants.)	

Plaintiff Sherryl Lynn Jacobs request the Defendants: Robeson County Public Library, Board of Directory for Robeson County Public Library, Robert F. Fisher, Horace Stacy, Gayle McLean, Tina Mellen Stepp Thomas, Elizabeth Townsend, and Larry McGougan:

(a) admit the truth of the following Request for Admissions in accordance with Federal Rule of Civil Procedure 36,

(b) answer under oath, in accordance with Rule 33 of the Federal Rules of Civil Procedure the following Interrogatories, and

(c) respond in writing to this request for Production of Documents and permit the Plaintiff to inspect and copy the documents described below at the office of the undersigned, or a location mutually agreed upon by concerned attorneys, at a time mutually agreed upon or at such other time and place as may be mutually agreed upon by and between the parties in accordance with Rule 34 of the Federal Rules of Civil Procedure, within thirty (30) days from the date of service.

DEFINITIONS AND INSTRUCTIONS

1) As used in the following request for admissions, interrogatories, and request for Production of Documents the following terms (and plurals and possessives of those terms) have the following meanings unless otherwise clear from the context:

a. "A Defendant's/Named Individual" means both in his/her/entity, individual, organization, and group's appointed capacity as well as any accountant, attorney, consultant, investigator, advisor, agent, employer, or any other person acting on behalf of the Defendants.

b. "Document" refers to all drafts, originals, and copies, (copies different in any way, including marks or notations, from the originals) of any writings, drawings, charts, graphs, photographs, telephone records and other data compilations from which information can be obtained, translated, if necessary, by Defendants through detection devices in reasonable usable forms; without limiting the generality of the foregoing definition, the term "document" includes letters, notes, contracts, agreements, wills, powers of attorney, bank statements, record of phone calls, medical reports/doctor's comments, Plaintiff's and Tina Mellen Stepp Thomas' employment records "including original application, performance reports, disciplinary actions, and reasons for termination, reports, printouts, magazines, journals, articles, notes, letters, comments, tapes, discs, and all writings on paper, plastic, cardboard or any other surface. Anything placed in the Plaintiff's employment records after termination.

c. "Identify" when used in reference to a document is to provide a description reasonably sufficient to identify it for the purposes of a request to produce or subpoena *duces tecum* and is further to state (a) the day the document was prepared and the identification of the person, if any who provided it to the Defendants, the means by which the Defendants acquired knowledge of its contents, or obtained access to it; (B) when and how the Defendants first became aware of it and (c) if neither the original nor copy is in the Defendants possession, where the original or copies are located and the identification of the person or persons who have possession of them

e. "Library" means the Defendant Robeson County Public Library and its agents.

2) Documents produced in response to the Request for Production of Documents need not be separately identified in response to Interrogatories, so long as such documents are so marked or segregated as to indicate the interrogatory or interrogatories to which they are responsive. Documents responsive to interrogatories, which Defendants/Named Individuals are unable to produce, should be identified as requested in the appropriate interrogatory.

3) If Defendant's/Named Individual objects to any Request for Admission, Interrogatory or Request for Production of Documents on the ground of privilege, state the nature of the privilege. If the objection is made on the basis of attorney-client privilege, identify the attorney, the client, the purpose of the communication, the circumstances of the communication making it privileged, all persons to whom the allegedly privileged

communication was transmitted and all persons who received it.

4) If any document is withheld on the basis of attorney-client privilege or work product doctrine, identify, as set forth in the definitions above, the document and state the author of the document, all addressees and other recipients of the document, the basis on which the objection is made, the attorney involved, the client involved, The purpose of which the document was generated, the circumstances which render it privileged or otherwise immune from production, the use of which it has been put and all identifiable persons who have had access to the document.

REQUEST FOR ADMISSIONS

1) Defendants violated the Plaintiff's and other Library employees Civil Rights by refusing to allow employees to associate with each other during breaks or while working.

RESPONSE:

2) Defendants violated the Plaintiff's "Due Process," as stated in the Defendant's Personnel Manual, on or about August 31, 2009, during the termination process. In that: Defendants refused to provide the Plaintiff with information needed to file a complaint against the Plaintiff's supervisor: Tina Mellen-Stepp-Thomas.

RESPONSE:

3) Defendants terminated the Plaintiff's employment without cause or justification.

RESPONSE:

4) Defendants received a written "Worksite Evaluation" on or about January 18, 2008, which stated what accommodations needed to be made in the workplace for the Plaintiff.

RESPONSE:

5) Defendants did in August and September of 2009, refuse to comply with the

Plaintiff's workplace restrictions (Work only at the Fairmont Branch where the Plaintiff had total control of light levels, thus easing the pain in her eyes as they were still sensitive to light.) as prescribed by her doctor. Instead Tina Mellen-Stepp-Thomas called the Plaintiff's doctor and convinced him to change the Plaintiff's workplace restrictions forcing her to work in an area that caused undue strain and pain to the Plaintiff's eyes and that was ergonomically incompatible with the Worksite Evaluation dated January 18, 2008. This was just some of the causes of the so called, slow down in work performance.

RESPONSE:

6) Defendants were, upon the Plaintiff's return to work from her injury on or about March 31, 2008, provided with information stating that her work restrictions were permanent.

RESPONSE:

7) Defendants did upon the Plaintiff's return from an appointment at Atlantic Orthopedics on August 27, 2009 with a brace on her left hand and wrist, immediately start planning her termination. In that the Defendants issued the Plaintiff her first Counseling Statement exactly nine (9) days later on August 5, 2009.

RESPONSE:

8) Defendants did, during July, August and September of 2009, the Defendants made it virtually impossible for the Plaintiff to meet the new job performance standards by constantly interrupting the Plaintiff and moving her to locations that were not conducive to the proper completion of her duties.

RESPONSE:

9) That the performance standards of fifty (50) books per day (8 hours), was added to the Plaintiff's job description verbally, by the Defendants, (with full knowledge that the Plaintiff was only at that location for 3.5 hours per day), after the Plaintiff's return to work from eye surgery.

RESPONSE:

10) That the new workplace conduct standard set by the Defendants (Library Director) was directed explicitly at the Plaintiff and no other employees.

RESPONSE:

11) That the Plaintiff was given permission, by the Defendants, to make use of the workplace computers, to do college work that was directly related to the Plaintiff's job. Defendants were aware that the Plaintiff had made arrangements for classes to be conducted while on duty, in accordance with the Defendant's Personnel Manual, dated: January 17, 1996.

RESPONSE:

12) That, as a Library Branch Manager, it is impossible to fully perform one's duties to the public without using the workplace computers for what the Defendants consider non-work related duties while assisting patrons.

RESPONSE:

13) That the Plaintiff had mandatory work restrictions from March 2008 until the Plaintiff's unjustified termination in September 2009.

RESPONSE:

14) That during August 2009 fellow employees, through fear of losing their jobs, or disgruntled because of the Plaintiff's advancement, made a claim that the Plaintiff was recording personal conversations, other than those between the Library Director and the Plaintiff.

RESPONSE:

15) That in August 2009, the Defendants instructed Plaintiff not to alter or delete the history or permanent records from workplace computers and that since the Plaintiff had no Administration access to the computer system the Plaintiff couldn't delete or alter any electronic records.

RESPONSE:

16) Defendants (Library Director) verbally agreed, in May 2009, to the Library joining the Polaris Users Group (PUG) by stating that she (Tina Mellen-Stepp-Thomas) could get the Board of Directors to cover the costs.

RESPONSE:

INTERROGATORIES

1) If the Defendants' response to any of the above request for Admissions is other than an unqualified admission, then, for each such response identify all facts, opinions, and documents that support their refusal to give an unqualified omission.

ANSWER:

2) Please identify all Library Directives that the Plaintiff is supposed to have violated. In doing so please give the date the Directives became effective and to whom they pertained.

ANSWER:

3) Please identify all Library Personnel that stated the Plaintiff was recording their personal conversations and give dates and times of said conversations.

ANSWER:

4) Please identify all persons whom the Defendants may call as a witness at a trial of this matter. Include, in each, the witness's name address, (Correct) telephone number, and a description of the matters to which the witness may testify.

ANSWER:

REQUEST FOR PRODUCTION OF DOCUMENTS

1) Please produce a complete copy of the Plaintiff's employment records, including a copy of the original application, background checks, notes, recordings, photographs, records of phone conversations with anyone outside the Library Facilities, and any and all records of any type of conversations where the name of the Plaintiff was used.

RESPONSE:

2) Please provide copies of all documents, which were provided to the Defendants, reference the Plaintiff's disabilities and necessary accommodations to be made.

RESPONSE:

3) Please provide copies of all audio or video recordings, notes, phone records, in the possession of the Defendants, their associates, relatives, or attorneys; the Defendants may have had with anyone about the Plaintiff.

RESPONSE:

4) Please provide a copy of Tina Mellen-Stepp-Thomas' original application for the position of Library Director, her college transcripts showing her qualifications, and written

verification that she took and passed the North Carolina Certified Public Librarians Exam (as Per North Carolina General Statute 143 B-67), issued by the North Carolina Public Library Certification Commission, for Full Certification as a Library Director.

RESPONSE:

5) Please provide a copy of the Robeson County Public Library (Library) Personnel Manual that states the requirements for each position within the Library.

RESPONSE:

4 October 2012

Date

A handwritten signature in cursive script, appearing to read "Sherryl L. Jacobs", is written over a solid horizontal line.

Signature of Plaintiff, Sherryl L. Jacobs

Post Office Box 175, Orrum, NC 28369

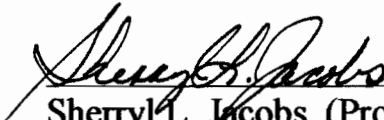
Phone: 910-740-3683/628-6334

CERTIFICATE OF SERVICE

I hereby certify that as copy of the foregoing has been served upon Defendants' Attorney by depositing a copy thereof in the United States Mail, first-class, postage prepaid, addressed as follows:

Law Office of William R. Purcell, II, PLLC
ATTN: Mr. William R. Purcell, II
210 West Cronly Street
Post Office Box 1567
Laurinburg, North Carolina 28352

This the 4th day of October, 2012



Sherryl L. Jacobs (Pro Se)
Post Office Box 175
Orrum, North Carolina 28369