

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ELIZABETH A. GILMORE,

Plaintiff

V.

FULBRIGHT & JAWORSKI L.L.P.,

Defendant

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C. A. NO. 4:06-CV-03849
JURY

PLAINTIFF ELIZABETH A. GILMORE'S
RULE 26(a)(1) INITIAL DISCLOSURES

In accordance with Rule 26(a)(1) of the Federal Rules of Civil Procedure, Plaintiff, Elizabeth A. Gilmore, respectfully makes her mandatory disclosures as follows:

A. Witnesses

The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

RESPONSE:

Persons likely to have discoverable information may include, but may not be limited to, the following:

- (a) Elizabeth A. Gilmore
7527 Alderly Drive
Spring, Texas 77389
(281) 290-0027

Plaintiff

- (b) Russell W. Whitley
7527 Alderly Drive
Spring, Texas 77389
(281) 290-0027

Plaintiff's common law husband

- (c) Cheryl A. Wilson
2601 Austin Avenue
Greenville, Texas 75402
(903) 450-1629

Plaintiff's friend

- (d) Joe Sneed
699 F.M. 2027
Cameron, Texas 76520-5040
(979) 364-2767

Plaintiff's attorney/attorney's fees

- (e) Randal A. Kauffman
P.O. Box 1211
Tomball, Texas 77377-1211
(281) 290-9759

Plaintiff's attorney/attorney's fees

- (f) Jim Colby
Jennifer Colby
Attorney Resource
5177 Richmond, Suite 580
Houston, Texas 77056
(713) 622-3112

Knowledge of Plaintiff's work ability/history

- (g) Sherri Conrad
Greenberg Traurig
1000 Louisiana Street, Suite 1800
Houston, Texas 77002
(713) 374-3522

Knowledge of Plaintiff's work ability/history

- (h) Joyce Klejbuk
Pillsbury Winthrop Shaw Pittman LLP
909 Fannin, Suite 2000
Houston, Texas 77010
(713) 276-7600

Knowledge of Plaintiff's work ability/history

- (i) Jane Williams*
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

- (j) Brenda Pittman*
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

- (k) Dorothy Jenkins*
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

- (l) Janet Carter*
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

*Designated by Defendant but may be called as an adverse witness by Plaintiff.

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

- (m) Rhea Orr*
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

- (n) Daniel McClure*
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

- (o) Loretta Rains*
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

- (p) Patricia Ruffino
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

*Designated by Defendant but may be called as an adverse witness by Plaintiff.

- (q) Diane Sanders
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

- (r) Michelle Miley
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

- (s) Regenia Harris
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

- (t) Carolyn Rogers
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

- (u) Meribeth Spilger
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

- (v) Laura Weaver
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

- (w) Judy Lockstedt
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

- (x) Kevin Miller
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's 401(k), Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

- (y) Jack Vaughan
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

(z) Jennifer Johnson
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

(aa) Gayle Benningfield
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

(bb) Monica Cooksey
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

(cc) Jeanne Blakely
Fulbright & Jaworski L.L.P.
2100 IDS Center
80 South Eighth Street
Minneapolis, Minnesota 55402-2112
(612) 321-2800

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

(dd) Lois Gurnick
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

(ee) Brenda Boyd

Former employee of Defendant; present address and telephone number unknown who may have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

(ff) Colby Delgado

Former employee of Defendant; present address and telephone number unknown who may have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

(gg) Patrick Bishop
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

(hh) Nancy Nichols
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

(ii) Nancy Craig
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

(jj) Marjorie Hines

Former employee of Defendant; present address and telephone number unknown who may have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

(kk) Susan Logsdon

Former employee of Defendant; present address and telephone number unknown who may have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

(ll) Barclay Manley
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

(mm) Darryl Anderson
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010
(713) 651-5151

May have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

(nn) Ali Webster

Former employee of Defendant; present address and telephone number unknown who may have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

(oo) All employees of Defendant who provided floater evaluations for Plaintiff and who may have knowledge of Plaintiff's employment/Plaintiff's allegations/Defendant's employment policies and practices related to Plaintiff's allegations

(pp) John L. Wortham & Son, L.P.
2727 Allen Parkway
Houston, Texas 77019
(713) 526-3366

May have knowledge of Defendant's insurance policies, rates, and procedures

(qq) Any and all of Plaintiff's health care providers, including but may not be limited to:

(1) Howard. K. Wilson, M.D.
1200 Binz Street, Suite 1410
Houston, Texas 77004
(713) 523-9508

Howard K. Wilson, M.D., and any and all other health care providers associated with Howard K. Wilson, M.D., involved in the examination, diagnosis, care, or treatment of Plaintiff.

Custodian of records for Howard. K. Wilson, M.D.

(2) Richard Johnson, M.D.
Diagnostic Clinic of Houston
1200 Binz Street
Houston, Texas 77004
(713) 797-9191

Richard Johnson, M.D., and any and all other health care providers associated with Richard Johnson, M.D., involved in the examination, diagnosis, care, or treatment of Plaintiff.

Custodian of records for Richard Johnson, M.D.

(3) E. Russell Weidman, M.D.
Texas Institute of Reproductive Medicine & Endocrinology
7400 Fannin, Suite 850
Houston, Texas 77054
(713) 791-1874

E. Russell Weidman, M.D., and any and all other health care providers associated with E. Russell Weidman, M.D., involved in the examination, diagnosis, care, or treatment of Plaintiff.

Custodian of records for E. Russell Weidman, M.D.

- (4) St. Luke's Community Medical Center
17200 St. Luke's Way
The Woodlands, Texas 77384
(936) 266-2000

St. Luke's Community Medical Center and any and all other health care providers associated with St. Luke's Community Medical Center involved in the examination, diagnosis, care, or treatment of Plaintiff.

Custodian of records for St. Luke's Community Medical Center

- (5) Memorial Hermann - The Woodlands
9250 Pinecroft
The Woodlands, Texas 77380
(281) 364-2300

Memorial Hermann – The Woodlands and any and all other health care providers associated with Memorial Hermann – The Woodlands involved in the examination, diagnosis, care, or treatment of Plaintiff.

Custodian of records for Memorial Hermann – The Woodlands

- (6) Jeffrey Kelley, D.O.
12522 Greenspoint Drive
Houston, Texas
(281) 876-2300

Jeffrey Kelley, D.O., and any and all other health care providers associated with Jeffrey Kelley, D.O., involved in the examination, diagnosis, care, or treatment of Plaintiff.

Custodian of records for Jeffrey Kelley, D.O.

- (7) George P. Noon, M.D.
6560 Fannin St., Suite 1860
Houston, Texas 77030
(713) 790-3155

George P. Noon, M.D., and any and all other health care providers associated with George P. Noon, M.D., involved in the examination, diagnosis, care, or treatment of Plaintiff.

Custodian of records for George P. Noon, M.D.

- (8) The Methodist Hospital
6565 Fannin Street
Houston, Texas 77030
(713) 790-3311

The Methodist Hospital and any and all other health care providers associated with The Methodist Hospital involved in the examination, diagnosis, care, or treatment of Plaintiff.

Custodian of records for The Methodist Hospital

- (9) Robert K. Zurawin, M.D.
Baylor College of Medicine
Dept. of Obstetrics & Gynecology
6560 Fannin, Suite 901
Houston, Texas 77040
(713) 798-7500

Robert K. Zurawin, M.D., and any and all other health care providers associated with Robert K. Zurawin, M.D., involved in the examination, diagnosis, care, or treatment of Plaintiff.

Custodian of records for Robert K. Zurawin, M.D.

- (10) George G. Hughes, M.D.
1001 Medical Plaza Dr., Ste. 220
Spring, Texas 77380
(281) 296-0400

George G. Hughes, M.D., and any and all other health care providers associated with George G. Hughes, M.D., involved in the examination, diagnosis, care, or treatment of Plaintiff.

Custodian of records for George G. Hughes, M.D.

- (11) Digestive and Liver Disease Consultants, P.A.
Northwest Medical Plaza
275 Lantern Bend, Suite 200
Houston, Texas 77090
(281) 440-0101

Digestive and Liver Disease Consultants, P.A., and any and all other health care providers associated with Digestive and Liver Disease Consultants, P.A., involved in the examination, diagnosis, care, or treatment of Plaintiff.

Custodian of records for Digestive and Liver Disease Consultants, P.A.

- (12) Quest Diagnostics
The Woodlands Professional Building
920 Medical Plaza Dr., Suite 480
The Woodlands, Texas 77380
(281) 296-8200

Quest Diagnostics and any and all other health care providers associated with Quest Diagnostics involved in the examination, diagnosis, care, or treatment of Plaintiff.

Custodian of records for Quest Diagnostics

- (13) Denise J. Guiffrida, M.D.
910 Travis Street South
Houston, Texas 77002
(713) 652-5111

Denise J. Guiffrida, M.D., and any and all other health care providers associated with Denise J. Guiffrida M.D., involved in the examination, diagnosis, care, or treatment of Plaintiff.

Custodian of records for Denise J. Guiffrida, M.D.

- (14) Alan G. Selbst, DDS
Houston Endodontic Specialists
902 Frostwood Drive, Suite 112
Houston, Texas 77024-2401
(713) 461-1166

Alan G. Selbst, DDS, and any and all other health care providers associated with Alan G. Selbst, DDS, involved in the examination, diagnosis, care, or treatment of Plaintiff.

Custodian of records for Alan G. Selbst, DDS

- (15) Robert C. Fulweber, M.D.
6560 Fannin, Suite 1562
Houston, Texas 77030
(713) 797-9483

Robert C. Fulweber, M.D., and any and all other health care providers associated with Robert C. Fulweber, M.D., involved in the examination, diagnosis, care, or treatment of Plaintiff.

Custodian of records for Robert C. Fulweber, M.D.

- (16) Bernard M. Barrett
6624 Fannin, Suite 2200
Houston, Texas 77030
(713) 790-9000

Bernard M. Barrett and any and all other health care providers associated with Bernard M. Barrett involved in the examination, diagnosis, care, or treatment of Plaintiff.

Custodian of records for Bernard M. Barrett

- (17) Drs. Rainey and Beaver
2727 Holcombe, 4th Floor
Houston, Texas 77025
(713) 442-0000

Drs. Rainey and Beaver and any and all other health care providers associated with Drs. Rainey and Beaver involved in the examination, diagnosis, care, or treatment of Plaintiff.

Custodian of records for Drs. Rainey and Beaver

- (18) Luisa Lohner
4801 Woodway Dr.
Houston, Texas 77056
(713) 627-8780

Luisa Lohner and any and all other health care providers associated with Luisa Lohner involved in the examination, diagnosis, care, or treatment of Plaintiff.

Custodian of records for Luisa Lohner

- (19) Gary Smith
Houston Urologic Assoc.
6560 Fannin
Houston, Texas 77030
(713) 790-9779

Gary Smith and any and all other health care providers associated with Gary Smith involved in the examination, diagnosis, care, or treatment of Plaintiff.

Custodian of records for Gary Smith

(20) Michael Marlow, D.O.
Alden Health Center
8000 Research Forest Drive, Suite 380
The Woodlands, Texas 77382
(281) 296-5000

Michael Marlow, D.O., and any and all other health care providers associated with Michael Marlow, D.O., involved in the examination, diagnosis, care, or treatment of Plaintiff.

Custodian of records for Michael Marlow, D.O.

(rr) Any and all persons initially designated by Defendant, or subsequently designated by Plaintiff or Defendant, to which reference is here made

B. Documents

A copy of, or a description by category and location of, all documents, electronically stored information, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

RESPONSE:

Plaintiff references any and all documents produced or to be produced by Defendant.

Other than documents already produced, Plaintiff is providing certain additional documents to Defendant with this disclosure.

Plaintiff has produced any and all documents within Plaintiff's immediate possession, except any and all medical records Plaintiff has obtained which are voluminous and are available for inspection and copying by Defendant at a mutually agreeable date and time.

Discovery continues and subsequent relevant documents may be produced by Plaintiff, Defendant, or both.

Plaintiff requests copies of any and all relevant documents or medical records Defendant has in its possession or has obtained by subpoena/authorization/voluntary production.

C. Computation of Damages

A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

RESPONSE:

Damages applicable under the ADA are:

Back Pay

Plaintiff worked 7.5 hours for Defendant March 25, 2004, prior to her same-day admission into the hospital for autoimmune hepatitis and discovered after receiving her timesheets produced by Defendant pursuant to Plaintiff's production request that she had not been paid for that day. Plaintiff's salary for that workday ($\$26.56 \times 7.5$) is \$199.20.

Unused and unpaid vacation/sick/personal time; unspecified amount at this time. Discovery continues—will supplement.

Plaintiff used one-half day accrued vacation time on September 20, 2006, to prepare for her September 21, 2006 deposition and one-half day accrued vacation time to give her September 21, 2006 deposition. Plaintiff's salary for that workday ($\$30.26 \times 7.5$) is \$226.95.

Plaintiff was earning \$47,800/year in her employment with Defendant.

Plaintiff worked two or three days from March 15, 2005 to October 16, 2005. Thus, Plaintiff would have earned \$27,883.31 from Fulbright & Jaworski L.L.P. during this period ($\$47,800/\text{year}$ divided by 12 months/year [$\$3,983.33/\text{month}$] \times 7 months = \$27,883.31).

Plaintiff received unemployment benefits during the period she did not work totaling \$8,736.

Plaintiff worked temporary/contract for seven hours one day in July 2005 earning \$70 from Gelfman & Associates, P.L.L.C., a small law firm in The Woodlands. This amount was deducted from Plaintiff's unemployment benefits.

Plaintiff worked temporary/contract for several days in October 2005 earning \$252 from Colby/Attorney Resources, a temporary/employment agency. This amount was deducted from Plaintiff's unemployment benefits.

Thus, Plaintiff lost earnings of \$18,825.31 (\$27,883.31 - \$8,736.00 in unemployment benefits - \$252 earned from Colby/Attorney Resources - \$70 from Gelfman & Associates).

Plaintiff worked for Ogden, Gibson, White, Brooks & Longoria from October 17, 2005, to November 23, 2005, earning \$48,000/year.

Plaintiff worked for Sheehy, Serpe & Ware, P.C. from November 28, 2005, to May 26, 2006, earning \$49,500/year.

Plaintiff worked for Pillsbury Winthrop Shaw Pittman LLP beginning May 29, 2006, to the December 15, 2006, earning \$59,000/year.

Plaintiff works for Tucker, Vaughan, Gardner & Barnes; P.C., beginning February 5, 2007, to February 28, 2007, earning \$53,000/year.

Interest on Back Pay

Interest at the highest lawful legal rate allowed by law.

Cost of Health Insurance

Plaintiff was charged \$541.00/month for COBRA health insurance benefits and paid \$80 for one-half of one month's health insurance prior to and following her termination totaling \$4,949.

Plaintiff was charged \$446.61/month for COBRA health insurance benefits for two months' health insurance following her layoff from Pillsbury Winthrop Shaw Pittman, LLP totaling \$893.22.

Plaintiff was undercharged \$5.28 ($\$456.14 - \$454.38 = \$1.76 \times 3 \text{ months} = \5.28) for the months of March, April, and May 2005 and overcharged \$509.16 for the months of June, July, August, September, October, and November 2005 ($\$541.00 - \$456.14 = \$84.86 \times 6 \text{ months} = \509.16) plus the 2% administration fee on \$509.16 of \$10.18 for a total overcharge of \$519.34.

Plaintiff paid full cost for pharmaceutical medications from March 15, 2005, until her COBRA election on May 10, 2005, less one month's reimbursement, totaling \$269.12.

Compensatory Damages (Emotional Pain, Suffering, Inconvenience, Mental Anguish, Loss of Enjoyment of Life and Other Non-Pecuniary Losses)

Unliquidated—amount up to trier of fact after all evidence presented.

Pre-Judgment Interest

Interest at the highest lawful legal rate allowed by law.

Punitive Damages

Unliquidated—amount up to trier of fact after all evidence presented..

Court Costs

These costs will be the actual court costs incurred—amounts continue to accrue.

Reasonable Attorney's Fees

Amount decided by trier of facts after all evidence presented—amounts continue to accrue.

Reasonable Expert Fees

Amount decided by trier of facts after all evidence presented.

Damages Under the 1993 Family Medical Leave Act

Wages, Salary, Employment Benefits, and Other Compensation

Wages, salary, employment benefits, and other compensation denied and lost to Plaintiff.

Cost of Health Insurance

Plaintiff was charged \$541.00/month for COBRA health insurance benefits and paid \$80 for one-half of one month's health insurance prior to and following her termination totaling \$4,949.

Plaintiff was charged \$446.61/month for COBRA health insurance benefits for two months' health insurance following her layoff from Pillsbury Winthrop Shaw Pittman, LLP totaling \$893.22.

Plaintiff was undercharged \$5.28 ($\$456.14 - \$454.38 = \$1.76 \times 3 \text{ months} = \5.28) for the months of March, April, and May 2005 and overcharged \$509.16 for the months of June, July, August, September, October, and November 2005 ($\$541.00 - \$456.14 = \$84.86 \times 6 \text{ months} = \509.16) plus the 2% administration fee on \$509.16 of \$10.18 for a total overcharge of \$519.34.

Plaintiff paid full cost for pharmaceutical medications from March 15, 2005, until her COBRA election on May 10, 2005, less one month's reimbursement, totaling \$269.12.

Loss of Transportation Allowance

As a result of Plaintiff's wrongful termination, as of the current trial date, the amount of Plaintiff's transportation allowance for the month of January 2005.

Loss of Pension

As a result of Plaintiff's wrongful termination, as of the current trial date, the amount of Plaintiff's pension.

Loss of 401(k) Retirement

As a result of Plaintiff's wrongful termination, as of the current trial date, the amount of Plaintiff's 401(k) retirement would have been \$5,399.30.

Five-Year Anniversary Service Recognition Award

As a result of Plaintiff's wrongful termination, as of the current trial date, the amount of Plaintiff's five-year anniversary service recognition award.

Five-Year Anniversary Profit Sharing

As a result of Plaintiff's wrongful termination, as of the current trial date, the amount of Plaintiff's five-year anniversary profit sharing.

Employee Retirement Income Security Act

Amount decided by trier of facts after all evidence presented.

Interest on the Damages Set Forth Above

Amount will be calculated at the prevailing rate pursuant to the applicable provisions of the FMLA.

Liquidated Damages

Additional amount as liquidated damages equal to the sum of the amount described above calculated as described.

Equitable Relief

As may be appropriate—amounts decided by court/jury after all evidence presented.

Reasonable Attorney's Fees

Amounts continue to accrue and will be decided by the trier of facts after all evidence presented.

Reasonable Expert's Fees

Amounts continue to accrue and will be decided by the trier of fact/court after all evidence presented.

Costs of This Action

These costs will be the actual court costs incurred—amounts continue to accrue.

D. Insurance Agreements

For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

RESPONSE:

None in Plaintiff's possession. Plaintiff is not being sued. See Defendant's responses for insurance applicable for Defendant.

DATED: February 28, 2007.

Respectfully submitted,

s/Joe Sneed

Joe Sneed,

Attorney-In-Charge for Plaintiff

Federal I.D. No. 1072

State Bar No. 18785900

699 FM 2027

Cameron, Texas 76520-5040

(979) 364-2767 (Telephone)

joesneedatty@yahoo.com

ATTORNEY FOR ELIZABETH A. GILMORE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of a duplicate of the above and foregoing Rule 26(a)(1) Initial Disclosures of Plaintiff Elizabeth A. Gilmore has been served upon all opposing parties, or their attorneys of record, by either certified mail, return receipt requested, hand delivery, or telephonic or electronic document transfer on the 28th day of February, 2007.

Lawrence H. Clore
Fulbright & Jaworski L.L.P.
1301 McKinney, Suite 5100
Houston, Texas 77010-3095

s/Joe Sneed
Joe Sneed