

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

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| Wilbur Allmond and Gilberto Wise, Plaintiffs, | § | CIVIL ACTION NO. SA-04-CA-1142-RF |
| | § | |
| | § | |
| vs. | § | |
| | § | |
| | § | |
| Akal Security, Inc. and Alberto Gonzales, Attorney General of the United States, Defendants | § | A JURY IS DEMANDED |

**Plaintiff Gilberto Wise's First Set of Interrogatories
and Requests for Production of Documents**

The plaintiff, Gilberto Wise, by and through his widow, Peggy Wise, serves these discovery requests on Akal Security, Inc., as authorized by Rules 26, 33, and 34 of the Federal Rules of Civil Procedure. The plaintiff requests that the documents be produced at the offices of Butler & Harris, 1007 Heights Boulevard, Houston, Texas 77008, within thirty days of the date this request is received.

Definitions and Instructions

1. "Defendant," "you," or "your" shall mean Akal Security, Inc.
2. "Person" shall mean and include natural persons, partnerships, corporations, unincorporated associations, and all other forms of organization or association.
3. The singular shall include the plural and vice versa.
4. To "identify" a person where the person is a natural person, means to state the person's full name, employer, job title or position, present or last known address, and telephone number.
5. To "identify" a person where the person is other than a natural person, means to

state the person's full name, the kind of legal entity it is, its present or last known address, and its executive officer.

6. If the answer to any interrogatory is not made from the personal knowledge of the person signing the answers to these interrogatories, identify each person from whom, or documents from which, the information was obtained to make the particular answer and also identify each person having personal knowledge of such information.

7. If you claim that any document described in these requests is privileged, or if you otherwise decline to produce a document responsive to one or more of the following requests, you are required to give the date of the document, the names, addresses and telephone numbers of the author and recipients of the document, the subject matter of the document, and the specific, detailed reasons on which you are claiming that the document is privileged or on which you are otherwise declining to produce that document.

8. "USMS" means the United States Marshal's Service.

9. "CSO" means Court Security Officer.

Interrogatories

1. Identify each person providing answers to these interrogatories.

ANSWER:

2. Describe fully the essential functions of plaintiff's job while he was employed by Akal.

ANSWER:

3. If the plaintiff was deficient as to any of the criteria listed in your answer to Interrogatory No. 2, please describe in detail the nature of such deficiencies.

ANSWER:

4. Please state why the plaintiff was terminated.

ANSWER:

5. Please state who made the decision to terminate the plaintiff and who first proposed the idea.

ANSWER:

6. Please state when the decision was made to terminate the plaintiff and when it was first proposed.

ANSWER:

7. State the plaintiff's monthly salary and benefits during his employment with the defendant.

ANSWER:

8. If the plaintiff was replaced, please identify his replacement, including when he/she was offered the job, when he/she accepted the job, his/her age, and his/her salary and benefits.

ANSWER:

9. Please identify any meetings you held with the plaintiff to counsel or reprimand him during his employment with the company. For each such meeting, identify the person(s) participating, the date, the meeting place, and the substance of the discussion.

ANSWER:

10. Please identify what steps, if any, you took to investigate whether Mr. Wise was a victim of discrimination or whether he was qualified to perform the essential functions of his job.

ANSWER:

11. Please identify what steps, if any, you took to prevent Mr. Wise being removed from his job.

ANSWER:

12. Please state any manner in which you believe Mr. Wise was disqualified for his job as a Court Security Officer and specifically identify how you know of any such disqualification, including when you were informed of it.

ANSWER:

13. Please identify how many employees you had in the third and fourth quarters of 2003:

ANSWER:

14. Please identify (specifying the name, age, medical reason for termination, and date of termination) any employee who has been terminated since January 1, 2003, because of failure to meet the medical requirements of the United States Marshal's Service (i.e., medically disqualified).

ANSWER:

15. Please describe any grievance rights or any other avenue of challenge that Mr. Wise had with respect to being removed from his position as a Court Security Officer.

ANSWER:

16. What options did Mr. Wise have to challenge his removal as a Court Security Officer?

ANSWER:

Requests for Production of Documents

1. All communications between you and the plaintiff or any representative of the plaintiff, including correspondence, memoranda, or other documents that concern or relate to the subject matter of this litigation.

2. All written and recorded statements you have (whether in correspondence or otherwise) concerning any matter made the subject of this litigation and all documents, videotapes, audio tapes or other type of recording containing, referring to or relating to any such matters.

3. All documents containing communications between or among you and any person, including, but not limited to, any governmental agency or a representative of any governmental agency, any insurance company or representative thereof, any present or former employee of the defendant, and any present or former employer of the plaintiff, relating to or concerning any claims or defenses asserted in this litigation or any aspect of this case. Please note that the plaintiff specifically excludes from this request documents constituting communications between you and your counsel that would be protected by the attorney/client privilege.

4. All documents, notes, letters, diaries, journals and/or chronological listings that refer to or relate to the facts the plaintiff alleges in this litigation or to your defenses.
5. All documents that contain information that would tend to be supportive of any legitimate reason that you allege led, in whole or in part, to the plaintiff's termination.
6. All documents that contain information that would tend to undermine or discredit any legitimate reason that you allege led, in whole or in part, to the plaintiff's termination.
7. All documents (as, for example, letters, notes, journals, diaries, and newspaper articles) in which there is any mention of the plaintiff and that relate in any way to the plaintiff's termination.
8. All written and recorded statements made by any person (whether in correspondence or otherwise) concerning the plaintiff, so long as such documents are not protected by the attorney/client privilege or the doctrine of work product.
9. All written and recorded statements made by any person (whether in correspondence or otherwise) concerning the plaintiff's employment with the defendant or any other employer, so long as such documents are not protected by the attorney/client privilege or the doctrine of work product.
10. Plaintiff's salary and wage records, payroll records, and W-2 forms for 2003 and 2004.
11. The following documents regarding the plaintiff:
 - . The employee's entire personnel file (formal or informal) -- whether maintained in the personnel department, by a current or former supervisor, by a human relations department, or by legal counsel.
 - . The employee's application(s) for employment with you and/or any of your affiliates.
 - . Memorandum of any interview(s) with the defendant before the employee was hired by the defendant.
 - . References received by the defendant and/or any of its affiliates about the employee, including any letters of recommendation, the results of any background or reference checks conducted about the employee, and any notes taken during reference checks.
 - . Performance evaluations or job reviews, whether formal or informal, of the employee during his employment with the defendant, including notes or other documents regarding those evaluations regardless of whether they portray, refute, or support the opinions expressed in the evaluation and/or review.

. Supervisor's notes or other documents relating to opinions expressed by the employee's supervisor, co-employee, subordinate, citizen, or other person (even if anonymous) regarding the quality of the job performance rendered by the employee.

. Awards, commendation letters, and the like given to the employee.

. All notes, letters, memoranda, and the like that reflect comments made by supervisors, co-workers, management, citizens, subordinates, or any other person (even if anonymous) that are critical of the employee.

. All notes, letters, memoranda, and the like that reflect comments made by supervisors, co-workers, management, citizens, subordinates, or any other person (even if anonymous) that are complimentary of the employee.

. Documents evidencing or pertaining to any reprimand, warning, demotion, involuntary leave of absence, or other adverse disciplinary action taken or suggested against the employee.

. Congratulatory letters, memoranda and announcements concerning the employee's position, job performance, compensation changes, and awards.

. Job description.

12. All personnel files for any employee of the defendant who has knowledge of relevant facts and is anticipated to be a witness in this case.

13. All insurance agreements or policies whether basic umbrella or excess, under which any entity or person(s) may be liable to pay all or part of a judgment which may be rendered in this action or to indemnify or reimburse for payments made to satisfy the judgment.

14. All organizational charts showing the organization of defendant and the division where plaintiff was employed at any time from the inception of plaintiff's employment to the present.

15. The job description of any individuals listed in response to Interrogatory No. 5.

16. All documents relating to any discipline or counseling of the plaintiff.

17. All documents relating to any alleged deficiency in the plaintiff's job performance.

18. All and all contracts between Akal and the United States Marshal's Service for the years 1998 to the present, including all addenda, amendments and clarifying documents.

19. All Akal and/or United States Marshal's Service regulations regarding standards for diabetes for the years 1998 to the present.

20. Any documents Akal uses to advertize openings for the position of Court Security Officer.

21. Any documents in which Akal describes the job of Court Security Officer.

22. Any documents Akal received from the USMS about job duties of Court Security Officers.

23. Any documents Akal received from the USMS about the manner in which the Court Security Officer job is performed.

24. Any documents Akal uses to recruit Court Security Officers.

25. Any documents indicating that Akal has applied for any government contract as a minority or disadvantaged business.

26. Any contracts between Akal and the United Government Security Officers of America, Local #85.

27. Any and all correspondence, e-mail , or any other evidence of communications between and among Akal, USMS and Mr. Wise regarding his ability to perform the essential functions of his job as a Court Security Officer, or concerning his fitness for the job, or his removal from his Court Security Officer position.

Requests for Admission

1. Admit or deny that you were Mr. Wise's employer.

ANSWER:

2. Admit or deny that you, as Mr. Wise's employer, entered into a contract with the USMS, which allowed the USMS to disqualify Mr. Wise from his job because of his hearing ability.

ANSWER:

3. Admit or deny that Akal at all times believed that Mr. Wise was qualified to perform the essential functions of his CSO job.

ANSWER:

4. Admit or deny that under Akal's contract with the USMS, Akal gave to USMS the right to remove a CSO, regardless of whether or not the CSO was a qualified person with a disability. In other words, if the USMS were to determine that a CSO who is a qualified individual with a disability be removed, neither Akal nor the CSO have any right to challenge that determination.

ANSWER:

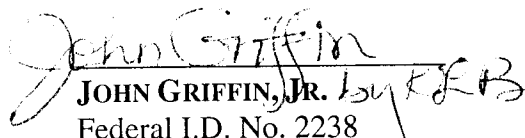
5. Admit or deny that you contend that the "United Government Security Officers of America, Local #85" surrendered all of Mr. Wise's rights under the Americans With Disabilities Act by virtue of its entering into that certain contract attached to your Amended Answer as Exhibit B.

ANSWER:

6. Admit or deny that USMS' rule, which forbids the use of a hearing aid to pass the hearing tests, screens out those with hearing disabilities.

ANSWER:

Respectfully submitted,


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Victoria, Texas 77902
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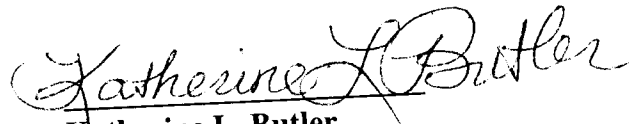
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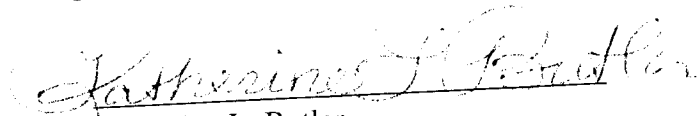
(713) 526-5677

Fax (713) 526-5691

Certificate of Service

I certify that a true and correct copy of this document has been served upon the defendant's counsel via first class mail on the 2nd day of May 2005, addressed as follows:

Kurt Peterson
Jamie E. Kitces
Jackson Lewis, L.L.P.
1900 Marquis One Tower
245 Peachtree Center Ave., N.E.
Atlanta, Georgia 30303-1226



Katherine L. Butler