



City of Austin

# Law Department

City Hall, 301 West 2nd Street, P.O. Box 1546  
Austin, Texas 78767-1546

Writer's Direct Line  
(512) 974-2161

Writer's Fax Line  
(512) 974-1311

August 10, 2015

**Via CMRRR# 91 7199 9991 0383 5360:**

Bill Aleshire  
AleshireLAW, P.C.  
700 Lavaca, Suite 1400  
Austin, Texas 78701

RE: Cause No. D-1-GN-15-002291, *Brian Rodgers v. The City of Austin*; In the 98th District Court of Travis County, Texas

Dear Bill:

I write to convey to you the following materials:

1. The City's responses to Plaintiff's First Discovery Requests (comprising: (1) request for disclosures; (2) requests for production; (3) request for admissions; and (4) first set of interrogatories).
2. The City's responses to Plaintiff's second requests for production.
3. The City's responses to Plaintiff's second interrogatories.
4. Documents responsive to Mr. Rodgers' public information requests as follows:
  - a. COA 3: Un-redacted copy of document shown in P6
  - b. COA 4-7: Un-redacted copy of documents shown in P7
  - c. COA 8: Workflow notes for PIR 806377 (P2)
  - d. COA 9: Workflow notes for PIR 806599 (P4)
  - e. COA 10: Workflow notes for PIR 809158 (P1)
  - f. COA 11: Workflow notes for PIR 806282 (P3)
  - g. COA 12-19: Documents responsive to PIR 806377 (P2)
  - h. COA 20-1289: Documents responsive to PIR 806377 (P2) & PIR 806599 (P4)
  - i. COA 1290-12137: Documents responsive to PIR 809158 (P1)
  - j. COA 12138-12145: Documents responsive to PIR 806599 (P4)
  - k. COA 12146-12371: Documents responsive to PIR 809158 (p1)



CAUSE NO. D-1-GN-15-002291

BRIAN RODGERS,

Plaintiffs,

v.

THE CITY OF AUSTIN,  
Defendant.

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IN THE DISTRICT COURT

OF TRAVIS COUNTY, TEXAS

98<sup>TH</sup> JUDICIAL DISTRICT COURT

**DEFENDANT'S RESPONSE TO PLAINTIFF'S  
REQUEST FOR DISCLOSURE**

To: Plaintiff, by and through his attorney of record, Bill Aleshire, AleshireLAW, P.C., 700 Lavaca, Suite 1400, Austin, Texas 78701.

Pursuant to the Rule 194 of the Texas Rules of Civil Procedure, Defendant, City of Austin, Texas, serves its Responses to Plaintiff's Request for Disclosure.

**DEFENDANT'S RESPONSE TO PLAINTIFF'S  
REQUEST FOR DISCLOSURE**

**REQUEST 194.2(a):**

The correct name(s) of the parties to the lawsuit.

**RESPONSE:**

The Plaintiff has used the correct name for the City of Austin.

**REQUEST 194.2(b):**

The name, address, and telephone number of any potential parties.

**RESPONSE:**

The City is not aware of any other potential parties at this time.

**REQUEST 194.2(c):**

The legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial).

**RESPONSE:**

The City is a governmental entity that is entitled to governmental or sovereign immunity that deprives the court of subject-matter jurisdiction unless that immunity has been clearly and unambiguously waived. This immunity protects a governmental entity from litigation and judicial remedies, even when it engages in improvident acts that would otherwise subject private citizens to litigation and judicial remedies.

Under the PIA, the City's immunity to a suit for mandamus is waived only if the City is refusing to provide responsive information. In this case, the City has already voluntarily provided or will voluntarily provide all responsive information to the requestor in the several PIRs at issue. At the time that the City voluntarily provides all responsive information, the Plaintiff's claims against the City will be moot.

**REQUEST 194.2(d):**

The amount and any method of calculating economic damages, if any are claimed.

**RESPONSE:**

The City is not seeking any damages.

**REQUEST 194.2(e):** The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

**RESPONSE:**

**City of Austin Employees:**

City employees listed below may be contacted through:

Christopher Coppola  
Assistant City Attorney  
City of Austin-Law Department  
Post Office Box 1546  
Austin, Texas 78767-1546  
(512)974-2161  
(512)974-1311 [FAX]  
[christopher.coppola@austintexas.gov](mailto:christopher.coppola@austintexas.gov)

Eloy Del Bosque, Manager, Law Department's Public Information Request ("PIR") Team  
*As Manager of the PIR team Eloy receives, processes, responds to certain PIRs, and has communicated with Plaintiff's attorney on the matters related to this lawsuit.*

Elaine Nicholson, Assistant City Attorney, Law Department  
*Provides legal advice regarding PIRs received by City departments. Ms. Nicholson communicated with Plaintiff's attorney on some matters related to this lawsuit.*

Catherine Riley, Paralegal, Law Department



*Ms. Riley assists Ms. Nicholson with providing legal advice and drafting documents. She assists with processing PIRs that are directed to the City's Law Department*

Alaina Vierra, Intern, Law Department – PIR Team  
*Updated PIR system notes and closed PIR 809158.*

Lynn Von Roeder, Intern, Law Department - PIR Team  
*Followed up with CMO department regarding PIR 809158.*

Desta Walker, PIR Team  
*As a member of the PIR team, Ms. Walker processes and responds to PIRs. She has communicated with Plaintiff's attorney on the matters related to this lawsuit.*

Robert Walker, PIR Team  
*Distributed the Plaintiff's request related to PIR 809158 to PIR single point of contact ("SPOC") for each department.*

#### **PIR 809158**

Jessica Bluebird, Assistant City Manager Executive Assistant  
*Processed the request for ACM Sue Edwards and provided responsive documents.*

Roxanne Evans, PIO Specialist Senior  
*Processed the request for ACM Rey Arellano and determined there were no responsive documents.*

Clayton Hoskinson, IT Security Analyst  
*As a SPOC for CTM, Mr. Hoskinson ran the search for Mayor-Council emails and notified PIR team when search results were completed.*

#### **PIR 808377/806377**

Nanci Nicholas, Records Analyst  
*As PIR SPOC for Parks and Recreation Department, Ms. Nicholson conducted a search for responsive documents and provided responsive documents to the requestor.*

Terry Nicholson, Senior Buyer Specialist  
*Conducted a search and provided responsive documents.*

Ashley Sherwood (former employee)  
*As PIR SPOC for the Purchasing Department, Ms. Sherwood noted that Terry Nicholson was processing this request.*

#### **PIR 808374/806282**

Jessica Bluebird, Assistant City Manager Executive Assistant  
*As PIR SPOC for Sue Edwards, Ms. Bluebird conducted a search and provided responsive documents.*

Roxanne Evans, PIO Specialist Senior

*Processed the request for ACM Rey Arellano and determined there were no responsive documents.*

Rose Marie Martinez, Executive Secretary

*As PIR SPOC for the City Manager, Ms. Martinez conducted a search and provided responsive documents.*

Melissa Torres, Real Estate Services Agent

*As PIR SPOC for Real Estate Services, Ms. Torres conducted a search and provided responsive documents.*

**PIR 808381/806599**

Jessica Bluebird, Assistant City Manager Executive Assistant

*As PIR SPOC for Sue Edwards, Jessica conducted a search and provided responsive documents.*

Susanne Gilchrist, Public Information Specialist Sr.

*As PIR SPOC for Austin Water Utility Suzanne conducted a search and determined AWU had no responsive documents.*

Dean Merritt, IT Security Analyst

*As a PIR SPOC for CTM Dean conducted the search for Mayor-Council emails and notified PIR team search results completed.*

Rose Marie Martinez, Executive Secretary

*As PIR SPOC for the City Manager Rose conducted a search and provided responsive documents.*

Nanci Nicholas, Records Analyst

*As PIR SPOC for Parks and Recreation Department Nanci conducted a search and provided responsive documents.*

**Others:**

Brian Rodgers

c/o Bill Aleshire

AleshireLAW

700 Lavaca, Suite 1400

Austin, Texas 78701

Plaintiff

The City further identifies all persons identified by Plaintiff as having knowledge of relevant facts.

**REQUEST 194.2(f):**

For any testifying expert:

1. the expert's name, address, and telephone number;
2. the subject matter on which the expert will testify;
3. the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to your control of the responding party, documents reflecting such information; and
4. If the expert is retained by, employed by, or otherwise subject to the control of the responding party:
  - a. all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony;
  - b. the expert's current resume and bibliography.

**RESPONSE:**

City reserves the right to seek its necessary and reasonable attorney's fees. In support of its claim for attorney's fees, the City designates the following experts:

Christopher Coppola  
Assistant City Attorney  
City of Austin-Law Department  
Post Office Box 1546  
Austin, Texas 78767-1546  
(512)974-2161  
(512)974-1311 [FAX]  
[christopher.coppola@austintexas.gov](mailto:christopher.coppola@austintexas.gov)

Mr. Coppola may testify as to reasonable and necessary attorney fees and expenses in this matter. His testimony will be based on his knowledge and review of all pleadings and discovery in this lawsuit. You may review and photocopy any documents that Coppola relied upon or has reviewed in anticipation of his testimony, at the City of Austin Law Department, 301 West 2nd Street, Austin, Texas 78701.

Meghan Riley  
Division Chief, Litigation  
City of Austin Law Department  
P. O. Box 1546



Austin, Texas 78767-1546  
(512) 974-2268

Ms. Riley is a licensed attorney and is familiar with the legal services and fees charged in this type of litigation. Ms. Riley is expected to testify about whether the legal services provided in this lawsuit were necessary and whether the legal fees incurred were reasonable. Defendant will produce a copy of Ms. Riley's resume as well as documents that she relied upon or reviewed in anticipation of her testimony at the City of Austin Law Department, 301 West 2nd Street, Austin, Texas 78701.

**REQUEST 194.2(g):**

Any indemnity and insuring agreements described in Rule 192.3(f).

**RESPONSE:**

None.

**REQUEST 194.2(h):**

Any settlement agreements described in Rule 192.3(g).

**RESPONSE:**

None.

**REQUEST 194.2(i):**

Any witness statements described in Rule 192.3(h).

**RESPONSE:**

None.

**REQUEST 194.2(j):**

In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

**RESPONSE:**

N/A

**REQUEST 194.2(k):**

In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.

**RESPONSE:**

N/A




**REQUEST 194.2(1):**

The name, address, and telephone number of any person who may be designated as a responsible third party.

**RESPONSE:**

N/A

RESPECTFULLY SUBMITTED,  
ANNE L. MORGAN, INTERIM CITY ATTORNEY  
MEGHAN L. RILEY, CHIEF, LITIGATION



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CHRISTOPHER COPPOLA

Assistant City Attorney

State Bar No. 24036401

City of Austin-Law Department

Post Office Box 1546

Austin, Texas 78767-1546

(512) 974-2161

(512) 974-1311 [FAX]

**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I certify that, on the 10<sup>th</sup> day of August, 2015, I served a copy of *Defendant's Response to Plaintiff's Request for Disclosure* on Plaintiff, by and through its attorney of record, in compliance with the Federal Rules of Civil Procedure.

**Via CMRRR 91 7199 9991 7034 0383 5360 to:**

Bill Aleshire

AleshireLAW, P.C.

State Bar No. 24031810

[Bill@AleshireLAW.com](mailto:Bill@AleshireLAW.com)

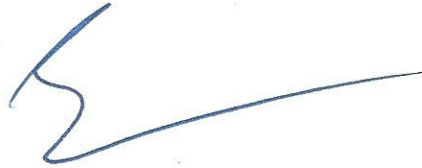
700 Lavaca, Suite 1400

Austin, Texas 78701

(512) 320-9155

(512) 320-9156 [FAX]

**ATTORNEY FOR PLAINTIFF**

A handwritten signature in blue ink, appearing to be 'C. Coppola', written over a horizontal line.

CHRISTOPHER COPPOLA

CAUSE NO. D-1-GN-15-002291

BRIAN RODGERS,

Plaintiffs,

v.

THE CITY OF AUSTIN,  
Defendant.

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IN THE DISTRICT COURT

OF TRAVIS COUNTY, TEXAS

98<sup>TH</sup> JUDICIAL DISTRICT COURT

**DEFENDANT'S RESPONSE TO PLAINTIFF'S FIRST  
REQUEST FOR INTERROGATORIES**

To: Plaintiff, by and through their attorneys of record, Bill Aleshire, AleshireLAW, P.C., 700 Lavaca, Suite 1400, Austin, Texas 78701.

Pursuant to the Texas Rules of Civil Procedure, Defendant, City of Austin, Texas serves its Responses to Plaintiff's First Request for Interrogatories.

**DEFENDANT'S RESPONSE TO PLAINTIFF'S FIRST  
REQUEST FOR INTERROGATORIES**

1. Prior to July 6, 2015, did You reply to or produce any records to Plaintiff or his attorney Bill Aleshire in response to the DAA Correspondence PIR?

**RESPONSE:**

Due to human error, the City inadvertently failed to produce any records to Plaintiff or his attorney in response to the DAA Correspondence PIR before July 6, 2015. As soon as the City learned of its error, it began collecting the responsive documents and preparing them for production. The City has never refused to produce responsive records and has always been willing to voluntarily supply those records to Plaintiff or his attorney, as indicated in the initial PIR (dated April 23, 2015) and in a subsequent clarification (email from Mr. Aleshire dated April 24, 2015).

2. Describe all steps (correspondence, computer searches, or other actions) You took, if any, prior to July 6, 2015, to locate records responsive to the DAA Correspondence PIR.

**RESPONSE:**

Robert Walker, a former City of Austin temporary employee and member of the PIR

team, received the DAA PIR on April 23, 2015. Mr. Walker communicated the DAA Correspondence PIR by email to City personnel in the City's Communication and Technology Management Department (CTM). CTM conducted a search of the email accounts for City Council members using the criteria specified in the DAA PIR. CTM electronically communicated the results of the search in an electronic folder accessible to the PIR team. The PIR team inadvertently overlooked this action and mistakenly believed that no responsive records were located by CTM. These records were located after July 6, 2015.

In addition, Mr. Walker communicated the DAA Correspondence PIR to all of the City employees designated as the "single point of contact" for PIRs directed to the City Manager and the Assistant City Managers (with the exception, at the time, of ACM Goode. This was because the SPOC for ACM Goode had been reassigned. Since July 6, 2015, the City has directed this PIR to ACM Goode to gather any responsive documents). With the exception of the SPOC for the City Manager (and ACM Goode) all of the SPOCs responded before July 6, 2015 with any responsive documents (only ACM Edwards and Lumbreras had responsive documents). The PIR team inadvertently overlooked these responsive documents as well.

3. Prior to July 6, 2015, did You produce to Plaintiff or his attorney Bill Aleshire a copy of the PIR System Log for the PIR Processing Request – Bull Creek" PIR?

**RESPONSE:**

The City objects to this request because it is vague and ambiguous insofar as uses the term "PIR System Log." It is unclear what this document or object is.

Subject to, and without waiving the foregoing objection, the City responds as follows:

For purposes of this response, the City assumes that Plaintiff is referring to a document similar to Exhibit P-5, attached to Plaintiff's Original Petition. This document is referred to as "workflow notes." If that assumption is incorrect, then this answer is void.

The City did not send a copy of the workflow notes prior to July 6. The workflow are not automatically or routinely generated for any given PIR. Instead, a member of the PIR team must generate the "workflow notes" document (similar to P-5) cutting and pasting information located elsewhere in the City's PIR software.

Moreover, on April 24, 2015, Eloy Del Bosque from the City's PIR Team sent Mr. Aleshire an email containing the processing information for the Bull Creek PIR (Exhibit P-2; City PIR No. 806282). A copy of that email is attached hereto as Attachment # 1.

4. Prior to July 6, 2015, did You produce to Plaintiff or his attorney Bill Aleshire a copy of the PIR System Log for the PIR Processing Request – Decker Golf Proposal Genesis" PIR?



**RESPONSE:**

The City objects to this request because it is vague and ambiguous insofar as it uses the term "PIR System Log." It is unclear what this document or object is.

Subject to, and without waiving the foregoing objection, the City responds as follows:

For purposes of this response, the City assumes that Plaintiff is referring to a document similar to Exhibit P-5, attached to Plaintiff's Original Petition. This document is referred to as "workflow notes." If that assumption is incorrect, then this answer is void.

The City did not send a copy of the workflow notes prior to July 6. The workflow are not automatically or routinely generated for any given PIR. Instead, a member of the PIR team must generate the "workflow notes" document (similar to P-5) cutting and pasting information located elsewhere in the City's PIR software.

On May 18, 2015, Desta Walker from the City's PIR Team sent Mr. Aleshire an email containing the processing information for the "Decker Lake Proposal Genesis PIR" (Exhibit P-4; City PIR No. 806599). A copy of that email is attached hereto as Attachment # 2.

5. Did You ask any members of the Austin City Council or City employees to check their personal email accounts and personal text records for any records that were responsive to the Rodgers PIRs? If so, please identify specifically to which City officials/employees the request was made, when, and how it was made.

**RESPONSE:**

The City objects to this Interrogatory because it is overbroad, vague, and ambiguous. In particular, because the definition of "You" is so broad, it literally asks whether any City of Austin employee made this request of any council member or city employee at any time and in any form for any of the 7 PIRs that are the subject of this lawsuit. Accordingly, answering this Interrogatory, as written, is virtually impossible.

Subject to, and without waiving the foregoing objections, the City responds as follows:

No member of the PIR team asked any City Council Members or City employees to check personal email or text records for information responsive to the Rodgers' PIRs. Per Council resolution #20110407-014 and per Administrative Bulletin # 08-06, all City Council Members and all City employees are required to forward any communications relating to City business that take place in personal email accounts or on personal electronic devices to their City email accounts. Accordingly, pursuant to City policy, the responsive information to the "Rodgers PIRs" will be available in City maintained electronic records.

6. Since January 1, 2013 but prior to the May 19, 2014 issuance of the Walter E. Long Park

RFQS for use of parkland for golf courses, did Assistant City Manager Sue Edwards have any correspondence (including emails or text messages using either a city email or personal email or text account) about any topic regarding official business of the City of Austin with (a) Richard Suttle, (b) Warren Hayes, (c) Gary Bellomy, or (d) Joe Ogilvie?

**RESPONSE:**

The City objects to this Request because it is not reasonably calculated to lead to the discovery of admissible evidence. In particular, this Interrogatory is overbroad because it seeks information that is potentially outside of the scope of the PIRs sent to the City that are the subject of Plaintiff's claims. For example, although the PIRs focus on specific topics, e.g. the Decker Lake Golf proposal, but this request seeks information about any correspondence regarding any "official business" of the city. Moreover, it also potentially seeks information that is already within the Plaintiff's knowledge.

Subject to, and without waiving the foregoing objections, the City responds as follows:

Assistant City Manager Sue Edwards corresponded with Mr. Suttle during this time period concerning City of Austin business. However, the correspondence is unrelated and not responsive to any of the PIRs that are the subject of this lawsuit. Ms. Edwards does not have any other correspondence that is responsive to this Interrogatory.

7. Since January 1, 2013 but prior to the May 19, 2014 issuance of the Walter E. Long Park RFQS for use of parkland for golf courses, did Parks Director Sara Hensley have any correspondence (including emails or text messages using either a city email or personal email or text account) about any topic regarding official business of the City of Austin with (a) Richard Suttle, (b) Warren Hayes, (c) Gary Bellomy, or (d) Joe Ogilvie?

**RESPONSE:**

The City objects to this Request because it is not reasonably calculated to lead to the discovery of admissible evidence. In particular, this Interrogatory is overbroad because it seeks information that is potentially outside of the scope of the PIRs sent to the City that are the subject of Plaintiff's claims. Moreover, it also potentially seeks information that is already within the Plaintiff's knowledge.

Subject to, and without waiving the foregoing objections, the City responds as follows:

Ms. Hensley did not have any correspondence with any of the named individuals during the specified period.

8. Between August 22, 2014 and October 21, 2014, did Purchasing employee Terry Nicholson have any correspondence (including emails or text messages using either a city email or personal email or text account) about any topic regarding official business of the City of Austin with (a) Richard Suttle, (b) Warren Hayes, (c) Gary Bellomy, or (d) Joe Ogilvie?



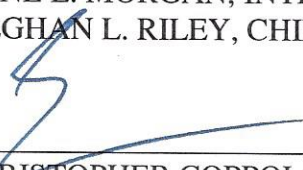
**RESPONSE:**

The City objects to this Request because it is not reasonably calculated to lead to the discovery of admissible evidence. In particular, this Interrogatory is overbroad because it seeks information that is potentially outside of the scope of the PIRs sent to the City that are the subject of Plaintiff's claims. Moreover, it also potentially seeks information that is already within the Plaintiff's knowledge.

Subject to, and without waiving the foregoing objections, the City responds as follows:

Mr. Nicholson did have correspondence with one or more of the named individuals during the specified period. This correspondence will be produced in response to Plaintiff's requests for production.

RESPECTFULLY SUBMITTED,  
ANNE L. MORGAN, INTERIM CITY ATTORNEY  
MEGHAN L. RILEY, CHIEF, LITIGATION



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CHRISTOPHER COPPOLA  
Assistant City Attorney  
State Bar No. 24036401  
City of Austin-Law Department  
Post Office Box 1546  
Austin, Texas 78767-1546  
(512) 974-2161  
(512) 974-1311 [FAX]  
**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I certify that, on the 10<sup>th</sup> day of August, 2015, I served a copy of *Defendant's Response to Plaintiff's First Request for Interrogatories* on Plaintiff, by and through its attorney of record, in compliance with the Federal Rules of Civil Procedure.

**Via CMRRR 91 7199 9991 7034 0383 5360 to:**

Bill Aleshire  
AleshireLAW, P.C.  
State Bar No. 24031810  
[Bill@AleshireLAW.com](mailto:Bill@AleshireLAW.com)  
700 Lavaca, Suite 1400  
Austin, Texas 78701  
(512) 320-9155  
(512) 320-9156 [FAX]

**ATTORNEY FOR PLAINTIFF**



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CHRISTOPHER COPPOLA



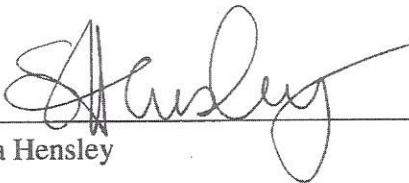
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STATE OF TEXAS           §

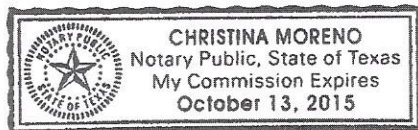
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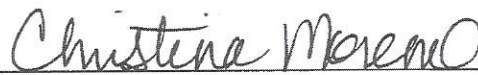
COUNTY OF TRAVIS       §

I, Sara Hensley, Director of Parks and Recreation Department for the City of Austin, swear or affirm that I have read the above and foregoing answer to Plaintiff's Interrogatory # 7 (from Plaintiff's 1st Discovery Requests). I am qualified and authorized in all respects to make this verification and believe the above answer to Interrogatory # 7 to be true and correct based on my personal knowledge.

  
Sara Hensley

SWORN TO AND SUBSCRIBED BEFORE ME by said Sara Hensley, Director of Parks and Recreation Department of the City of Austin, on this the 3<sup>rd</sup> day of August, 2015, to certify which witness my hand and seal of office.



  
Notary Public, State of Texas

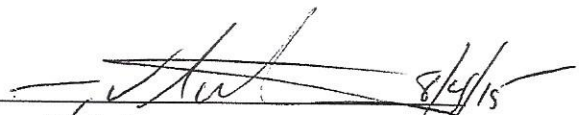
# VERIFICATION

STATE OF TEXAS §

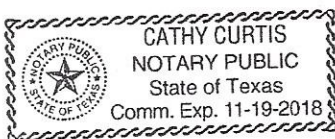
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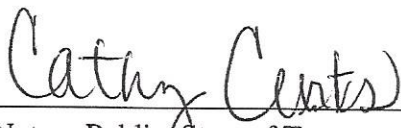
COUNTY OF TRAVIS §

I, Terry Nicholson, Senior Buyer Specialist for the City of Austin, swear or affirm that I have read the above and foregoing answer to Plaintiff's Interrogatory # 8 (from Plaintiff's 1st Discovery Requests). I am qualified and authorized in all respects to make this verification and believe the above answer to Interrogatory # 8 to be true and correct based on my personal knowledge.

  
Terry Nicholson

4th SWORN TO AND SUBSCRIBED BEFORE ME by said Terry Nicholson, on this the day of August, 2015, to certify which witness my hand and seal of office.



  
Notary Public, State of Texas

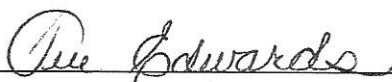
### VERIFICATION

STATE OF TEXAS           §

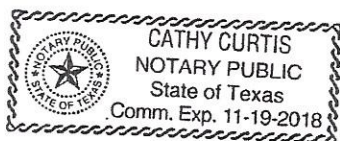
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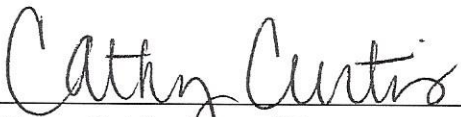
COUNTY OF TRAVIS       §

I, Sue Edwards, Assistant City Manager for the City of Austin, swear or affirm that I have read the above and foregoing answer to Plaintiff's Interrogatory # 6 (from Plaintiff's 1st Discovery Requests). I am qualified and authorized in all respects to make this verification and believe the above answer to Interrogatory # 6 to be true and correct based on my personal knowledge.

  
Sue Edwards

SWORN TO AND SUBSCRIBED BEFORE ME by said Sue Edwards, Assistant City Manager, City of Austin, on this the 7<sup>th</sup> day of August, 2015, to certify which witness my hand and seal of office.



  
Notary Public, State of Texas

CAUSE NO. D-1-GN-15-002291

BRIAN RODGERS,	§	IN THE DISTRICT COURT
	§	
	§	
Plaintiffs,	§	
	§	
v.	§	OF TRAVIS COUNTY, TEXAS
	§	
THE CITY OF AUSTIN,	§	
Defendant.	§	98 <sup>TH</sup> JUDICIAL DISTRICT COURT

**DEFENDANT'S RESPONSE TO PLAINTIFF'S FIRST  
REQUEST FOR ADMISSION**

To: Plaintiff, by and through their attorneys of record, Bill Aleshire, AleshireLAW, P.C., 700 Lavaca, Suite 1400, Austin, Texas 78701.

Pursuant to the Texas Rules of Civil Procedure, Defendant, City of Austin, Texas serves its Responses to Plaintiff's First Request for Admission.

**DEFENDANT'S RESPONSE TO PLAINTIFF'S FIRST  
REQUEST FOR ADMISSION**

1. The statement in Your Original Answer that the City "has voluntarily produced all public records that are responsive to the public information requests identified in the petition" was not true on July 6, 2015.

**RESPONSE:**

Deny

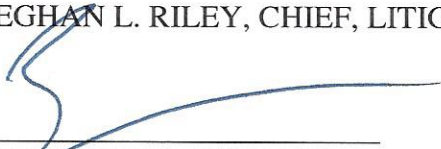
2. As of July 6, 2015, You have not produced to Plaintiff or his attorney Bill Aleshire all public records that are responsive to the Rodgers PIRs.

**RESPONSE:**

Admit



RESPECTFULLY SUBMITTED,  
ANNE L. MORGAN, INTERIM CITY ATTORNEY  
MEGHAN L. RILEY, CHIEF, LITIGATION



---

CHRISTOPHER COPPOLA  
Assistant City Attorney  
State Bar No. 24036401  
City of Austin-Law Department  
Post Office Box 1546  
Austin, Texas 78767-1546  
(512) 974-2161  
(512) 974-1311 [FAX]  
**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I certify that, on the 10<sup>th</sup> day of August, 2015, I served a copy of *Defendant's Response to Plaintiff's First Request for Admission* on Plaintiff, by and through its attorney of record, in compliance with the Federal Rules of Civil Procedure.

**Via CMRRR 91 7199 9991 7034 0383 5360 to:**

Bill Aleshire

AleshireLAW, P.C.

State Bar No. 24031810

[Bill@AleshireLAW.com](mailto:Bill@AleshireLAW.com)

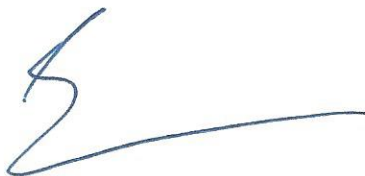
700 Lavaca, Suite 1400

Austin, Texas 78701

(512) 320-9155

(512) 320-9156 [FAX]

**ATTORNEY FOR PLAINTIFF**

A handwritten signature in blue ink, consisting of a stylized 'C' followed by a long horizontal stroke.

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CHRISTOPHER COPPOLA

CAUSE NO. D-1-GN-15-002291

BRIAN RODGERS,

Plaintiffs,

v.

THE CITY OF AUSTIN,  
Defendant.

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IN THE DISTRICT COURT

OF TRAVIS COUNTY, TEXAS

98<sup>TH</sup> JUDICIAL DISTRICT COURT

**DEFENDANT'S RESPONSE TO PLAINTIFF'S FIRST  
REQUEST FOR PRODUCTION**

To: Plaintiff, by and through their attorneys of record, Bill Aleshire, AleshireLAW, P.C., 700 Lavaca, Suite 1400, Austin, Texas 78701.

Pursuant to the Texas Rules of Civil Procedure, Defendant, City of Austin, Texas serves its Responses to Plaintiff's First Request for Production.

**DEFENDANT'S RESPONSE TO PLAINTIFF'S FIRST  
REQUEST FOR PRODUCTION**

1. Produce a copy of the PIR System Log related to the DAA Correspondence PIR.

**RESPONSE:**

The City objects to this request because it is vague and ambiguous insofar as uses the term "PIR System Log." It is unclear what this document or object is.

Subject to, and without waiving the foregoing objection, the City responds as follows:

Assuming that the Plaintiff is referencing the "workflow notes" that are similar to Exhibit P-5 from Plaintiff's Original Petition, the City has produced responsive documents.

2. If You answered "Yes" to Interrogatory 1, produce a copy of the response or records You produced to Plaintiff or his attorney Bill Aleshire.

**RESPONSE:**

See City's response to Interrogatory No. 1.

3. If You answered "Yes" to Interrogatory 3, produce a copy of the communication from You to Plaintiff or his attorney Bill Aleshire providing a copy of the PIR System Log for the PIR Processing Request – Bull Creek" PIR.

**RESPONSE:**

See City's response to Interrogatory No. 3.

4. If You answered "Yes" to Interrogatory 4, produce a copy of the communication from You to Plaintiff or his attorney Bill Aleshire providing a copy of the PIR System Log for the PIR Processing Request – Decker Golf Proposal Genesis" PIR.

**RESPONSE:**

See City's response to Interrogatory No. 4.

5. If You answered "Yes" to Interrogatory 5, produce a copy of each request You made to City officials or employees to check their personal email accounts or text messages for records responsive to the Rodgers PIRs.

**RESPONSE:**

See City's response to Interrogatory No. 5.

6. If You answered "Yes" to Interrogatory 6, produce a copy of the correspondence referenced in that Interrogatory.

**RESPONSE:**

See City's response to Interrogatory No. 6.

7. If You answered "Yes" to Interrogatory 7, produce a copy of the correspondence referenced in that Interrogatory.

**RESPONSE:**

See City's response to Interrogatory No. 7.

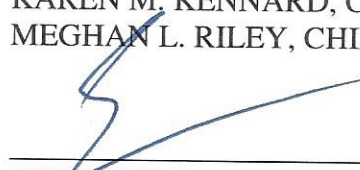
8. If You answered "Yes" to Interrogatory 8, produce a copy of the correspondence referenced in that Interrogatory.

**RESPONSE:**



See City's response to Interrogatory No. 8. For the sake of completeness, the City is producing (or re-producing) all of Mr. Nicholson's correspondence (through March 19, 2015) regarding the proposed Decker Lake Golf project at Walter E. Long Park.

RESPECTFULLY SUBMITTED,  
KAREN M. KENNARD, CITY ATTORNEY  
MEGHAN L. RILEY, CHIEF, LITIGATION

  
\_\_\_\_\_  
CHRISTOPHER COPPOLA  
Assistant City Attorney  
State Bar No. 24036401  
City of Austin-Law Department  
Post Office Box 1546  
Austin, Texas 78767-1546  
(512) 974-2161  
(512) 974-1311 [FAX]  
ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I certify that, on the 10<sup>th</sup> day of August, 2015, I served a copy of *Defendant's Response to Plaintiff's First Request for Production* on Plaintiff, by and through its attorney of record, in compliance with the Federal Rules of Civil Procedure.

**Via CMRRR 91 7199 9991 7034 0383 5360:**

Bill Aleshire  
AleshireLAW, P.C.  
State Bar No. 24031810  
[Bill@AleshireLAW.com](mailto:Bill@AleshireLAW.com)  
700 Lavaca, Suite 1400  
Austin, Texas 78701  
(512) 320-9155  
(512) 320-9156 [FAX]

ATTORNEY FOR PLAINTIFF

  
\_\_\_\_\_  
CHRISTOPHER COPPOLA

CAUSE NO. D-1-GN-15-002291

BRIAN RODGERS,	§	IN THE DISTRICT COURT
	§	
	§	
	§	
Plaintiff,	§	
	§	OF TRAVIS COUNTY, TEXAS
v.	§	
	§	
THE CITY OF AUSTIN,	§	
Defendant.	§	98 <sup>TH</sup> JUDICIAL DISTRICT COURT

**DEFENDANT'S RESPONSE TO PLAINTIFF'S  
SECOND REQUEST FOR INTERROGATORIES**

To: Plaintiff, by and through his attorney of record, Bill Aleshire, AleshireLAW, P.C.,  
700 Lavaca, Suite 1400, Austin, Texas 78701.

Pursuant to the Texas Rules of Civil Procedure, Defendant, City of Austin, Texas  
serves

its Responses to Plaintiff's Second Request for Interrogatories.

**DEFENDANT'S RESPONSE TO PLAINTIFF'S SECOND  
REQUEST FOR INTERROGATORIES**

9. Prior to July 6, 2015, did You respond to the email from Plaintiff's attorney Bill Aleshire that is the first page of Exhibit 6 attached to Plaintiff's Original Petition?

**RESPONSE:**

The City did not respond to this email prior to July, 6 2015. The City has agreed to voluntarily provide unredacted and complete copies of the redacted included in Exhibit 6 to Plaintiff's Original Petition.


10. Prior to July 6, 2015, did You respond to the email from Plaintiff's attorney Bill Aleshire that is the first page of Exhibit 7 attached to Plaintiff's Original Petition?

**RESPONSE:**

The City did not respond to this email prior to July, 2015. The City has agreed to

voluntarily provide unredacted and complete copies of the redacted included in Exhibit 7 to Plaintiff's Original Petition.

RESPECTFULLY SUBMITTED,  
ANNE L. MORGAN, INTERIM CITY  
ATTORNEY  
MEGHAN L. RILEY, CHIEF, LITIGATION



---

CHRISTOPHER COPPOLA  
Assistant City Attorney  
State Bar No. 24036401  
City of Austin-Law Department  
Post Office Box 1546  
Austin, Texas 78767-1546  
(512) 974-2161  
(512) 974-1311 [FAX]  
**ATTORNEYS FOR DEFENDANT**


**CERTIFICATE OF SERVICE**

I certify that, on the 10<sup>th</sup> day of August, 2015, I served a copy of *Defendant's Response to Plaintiff's Second Request for Interrogatories* on Plaintiff, by and through its attorney of record, in compliance with the Texas Rules of Civil Procedure.

**Via CMRRR 91 7199 9991 7034 0383 5360 to:**

Bill Aleshire  
AleshireLAW, P.C.  
State Bar No. 24031810  
[Bill@AleshireLAW.com](mailto:Bill@AleshireLAW.com)  
700 Lavaca, Suite 1400  
Austin, Texas 78701  
(512) 320-9155  
(512) 320-9156 [FAX]

**ATTORNEY FOR PLAINTIFF**

  
\_\_\_\_\_  
CHRISTOPHER COPPOLA



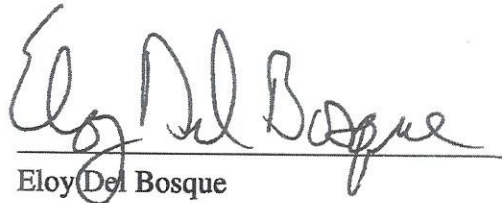
# VERIFICATION

STATE OF TEXAS       §

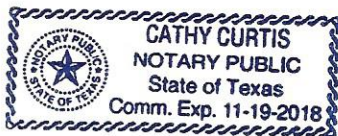
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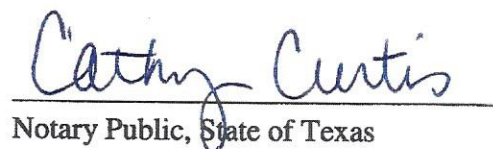
COUNTY OF TRAVIS   §

I, Eloy Del Bosque, swear or affirm that I have read the above and foregoing answers to Plaintiff's Interrogatory #'s 1-5; 9-10. I am qualified and authorized in all respects to make this verification and believe the above answers to Interrogatory #'s 1-5; 9-10 to be true and correct based on my personal knowledge.

  
Eloy Del Bosque

10th SWORN TO AND SUBSCRIBED BEFORE ME by said Eloy Del Bosque, on this the day of August, 2015, to certify which witness my hand and seal of office.



  
Notary Public, State of Texas

CAUSE NO. D-1-GN-15-002291

BRIAN RODGERS,

Plaintiff,

v.

THE CITY OF AUSTIN,  
Defendant.

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IN THE DISTRICT COURT

OF TRAVIS COUNTY, TEXAS

98<sup>TH</sup> JUDICIAL DISTRICT COURT

**DEFENDANT'S RESPONSE TO PLAINTIFF'S SECOND  
REQUEST FOR PRODUCTION**

To: Plaintiff, by and through his attorney of record, Bill Aleshire, AleshireLAW, P.C., 700 Lavaca, Suite 1400, Austin, Texas 78701.

Pursuant to the Texas Rules of Civil Procedure, Defendant, City of Austin, Texas serves its Responses to Plaintiff's Second Request for Production.

**DEFENDANT'S RESPONSE TO PLAINTIFF'S SECOND  
REQUEST FOR PRODUCTION**

9. If You answered "Yes" to Interrogatory 9, produce a copy of the communication(s) from You to Plaintiff or his attorney Bill Aleshire responding to the email that is the first page of Exhibit 6?

**RESPONSE:**


See the City's response to Interrogatory No. 9.

10. If You answered "Yes" to Interrogatory 10, produce a copy of the communication(s) from You to Plaintiff or his attorney Bill Aleshire responding to the email that is the first page of Exhibit 7?

**RESPONSE:**

See the City's response to Interrogatory No. 10.

RESPECTFULLY SUBMITTED,  
ANNE L. MORGAN, INTERIM CITY ATTORNEY  
MEGHAN L. RILEY, CHIEF, LITIGATION



CHRISTOPHER COPPOLA  
Assistant City Attorney  
State Bar No. 24036401  
City of Austin-Law Department  
Post Office Box 1546  
Austin, Texas 78767-1546  
(512) 974-2161  
(512) 974-1311 [FAX]  
**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I certify that, on the 10<sup>th</sup> day of August, 2015, I served a copy of *Defendant's Response to Plaintiff's Second Request for Production* on Plaintiff, by and through its attorney of record, in compliance with the Texas Rules of Civil Procedure.

**Via CMRRR 91 7199 9991 7034 0383 5360 to:**

Bill Aleshire  
AleshireLAW, P.C.  
State Bar No. 24031810  
[Bill@AleshireLAW.com](mailto:Bill@AleshireLAW.com)  
700 Lavaca, Suite 1400  
Austin, Texas 78701  
(512) 320-9155  
(512) 320-9156 [FAX]

**ATTORNEY FOR PLAINTIFF**



CHRISTOPHER COPPOLA