

<b>THE AUSTIN BULLDOG</b>	§	<b>IN THE DISTRICT COURT</b>
<i>Plaintiff,</i>	§	
	§	
<b>v.</b>	§	
	§	
<b>LEE LEFFINGWELL, MAYOR,</b>	§	
<b>CHRIS RILEY, COUNCIL MEMBER</b>	§	
<b>PLACE 1, MIKE MARTINEZ, MAYOR</b>	§	
<b>PRO TEM, PLACE 2, RANDI SHADE,</b>	§	<b>250<sup>th</sup> JUDICIAL DISTRICT</b>
<b>COUNCIL MEMBER, PLACE 3, LAURA</b>	§	
<b>MORRISON, COUNCIL MEMBER,</b>	§	
<b>PLACE 4, BILL SPELMAN, COUNCIL</b>	§	
<b>MEMBER, PLACE 5, SHERYL COLE,</b>	§	
<b>COUNCIL MEMBER, PLACE 6, and the</b>	§	
<b>CITY OF AUSTIN</b>	§	
<i>Defendants.</i>	§	<b>TRAVIS COUNTY, TEXAS</b>

derivations shall mean reflecting, having a relationship to, pertaining to, evidencing, or constituting, in whole or in part, the subject matter of the particular request.

7. "The Austin Bulldog" means the Plaintiff.
8. The term "written communication" means any written utterance, transfer or exchange of information, notation or statement of any nature whatsoever, by or to whomever made, including, but not limited to correspondence, electronic mail, text messages transmitted by cellular telephone, instant messaging, and/or any other understandings, transmitted from Austin Council Members or City Manager or received by Austin Council Members or City Manager.
9. "Lawsuit" refers to all of the claims, whether now asserted or asserted hereafter by amendment, supplement, or otherwise, in the above-styled and numbered cause.
10. The term "Petition" refers to the live petition at the time these Requests are served upon You and every amended or supplemental petition served thereafter.
11. The term "Person" means every natural person, association, firm, partnership, corporation, board, committee, agency, commission, legal entity of any form or type, and every other organization or entity, whether public or private.
12. "Plaintiff" or "Defendant," as well as a party's full or abbreviated name or a pronoun referring to a party, means the party, and where applicable, the party's agents, representatives, officers, directors, employees, partners, corporate agents, subsidiaries, affiliates, or any other person acting in concert with the party or under the party's control, whether directly or indirectly, including any attorney.
13. The plural includes the singular and vice versa.
14. The masculine includes the feminine and vice versa.

### **REQUEST FOR ADMISSIONS**

Admit or deny the truth of the following statements:

REQUEST FOR ADMISSION 1: In the copies of written communication provided to the Austin Bulldog in response to Open Records Request No. 1, the Personal Email Address of one or more Austin Council members was redacted (concealed).

REQUEST FOR ADMISSION 2: One or more of the written communication referenced in Request for Admission 1 (in which the Personal Email Address of one or more Austin Council members was redacted) was a communication related City of Austin business.

REQUEST FOR ADMISSION 3: In the copies of written communication provided to the Austin Bulldog in response to Open Records Request No. 1, the Personal Email Address of City Manager Marc Ott was redacted (concealed).

REQUEST FOR ADMISSION 4: One or more of the written communication referenced in Request for Admission 3 (in which the Personal Email Address of City Manager Marc Ott was redacted) was a communication related City of Austin business.

REQUEST FOR ADMISSION 5: Each member of the Austin City Council is the custodian of the records of that Council member's office, including written communication between the

Council member and others relating to City of Austin business.

REQUEST FOR ADMISSION 6: On one or more occasions between January 1, 2009 and January 27, 2011, Council Members and the City Manager transmitted or received written communication relating to City of Austin business using the Council Members' or City Manager's Personal Email Address.

REQUEST FOR ADMISSION 7: On one or more occasions between January 1, 2009 and January 19, 2011, Council Members sent or received a written communication using the "SPARK" program (see Exhibit P-1 to Plaintiff's Second Amended Petition).

REQUEST FOR ADMISSION 8: Written communications using the "SPARK" program between January 1, 2009 and January 27, 2011 were not retained and cannot be provided in response to Open Records Requests No. 1 or No. 2.

REQUEST FOR ADMISSION 9: After the Austin City Council adopted its resolution on April 7, 2011 regarding conduct of city business through written communication on personal communication devices, all Austin City Council members did not forward to a city email account from their personal email account(s) all written communication dated since January 1, 2009 related to City of Austin business.

Respectfully submitted,



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### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document was served on the parties, through counsel of record, via e-service on August 27, 2012.

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Bill Aleshire