

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
FRANKFORT

KEVIN GLOGOWER, as representative)
For the Breona Taylor Grand Jurors, *et al.*,)
)
Plaintiffs)
)
v.)
)
MELISSA BYBEE-FIELDS, in their)
official capacity, *et al*)
)
Defendants.)

CASE NO. 3:21-cv-00012-GFVT

PLAINTIFFS FIRST SET OF DISCOVERY REQUESTS TO DEFENDANTS

Come the Plaintiffs, by counsel, and for their first set of discovery requests to Defendants, pursuant to Federal Rules of Civil Procedure 33 and 34, state as follows:

INTRODUCTORY INFORMATION

A. These Discovery Requests are directed to Defendants and cover all information and documents in Defendants' possession, custody and control, wherever located, including information and documents in the possession, custody or control of, or otherwise available to Defendant representatives, officers, employees, agents, investigators, contractors, consultants, attorneys, or other persons directly or indirectly employed or retained by Defendant, acting on Defendants' behalf or otherwise subject to Defendants' control. Every source of information should be consulted in responding to these Discovery Requests. Diligent inquiries should be undertaken to obtain information and documents that are specific and as responsive as possible.

B. Any Interrogatory calling for the “factual basis” for a claim, contention or response should be answered with as much particularity as is possible, describing all transactions, series of transactions, incidents, and events separately, with sufficient detail as to the identify of persons or other entities participating, their relationship to Defendant, and the date or dates involved.

C. The term “document” means email, text message, handwritten note, phone notes, letter, pleading, filing, written document, or transcription from an oral discussion.

D. Documents produced in response to these Discovery Requests should be organized or labeled in a manner indicating the respective request to which the documents are responsive.

E. For purposes of these requests the term “LRC” is the Kentucky Legislative Research Commission and includes the formal or informal organization so titled, its agents, employees, contractors, physicians, staff, vendors and ownership.

F. This set of Discovery Requests is expressly continuing in nature so that, if information or document(s) relevant to a particular Discovery Request comes to the attention of Defendant between the date of response and the date of trial, Plaintiffs are required to supplement any prior responses by providing the information or producing such documents to counsel for Defendants.

G. The term “Legislature” as used herein means the Kentucky House of Representatives and any member or staff person thereof who is an LRC employee.

H. No statement or interference contained in any request herein shall constitute a representation or admission by Plaintiffs of any fact or condition, or a waiver or relinquishment or any rights, claims, or defenses.

I. If you are not currently in possession or control of any requested document, please list the location of the document and the individual or entity with control over the document.

INTERROGATORIES

1. Name the person or persons who directed or authorized the release of the Republican Senate Candidate Andrew Cooperrider from this Federal action. Please state with specificity whether any such direction came from Impeachment Chair Jason Nemes, House Speaker Osborne, House staff, Paul Salamanca, Joshua Douglas, or any other person or entity.

2. Do you assert that the release of GOP Senate Candidate Andrew Cooperrider was a “Legislative Act” conferring absolute immunity? If so, please describe in detail the legislative process authorizing the release. Please specifically identify all hallmarks of traditional legislation associated with any such “Legislative Act.”

3. Do you contend that Defendant Bybee-Fields signed or authorized the Cooperrider release as a legislative official? If your answer is in the affirmative, please specifically identify the statute, regulation, or legitimate legislative act authorizing this action.

4. Please specify and detail the reasons for dismissing the Republican Plaintiffs, including Senate Candidate Andrew Cooperrider, while refusing to dismiss or release the Democratic, low income, or racially diverse Plaintiffs remaining in the action.

5. Please state whether there were any telephonic (phone call or text) communications from any Executive Branch officer or counsel for same to the Chair or members of the Impeachment Committee after the impeachments were filed but before the final notice and costs were sent to Plaintiffs’ counsel. If your answer is in the affirmative, please state the date(s) of

such communications, the parties to such communications, and the substance of each such communication.

6. Please state why only certain Parties Plaintiff in each impeachment action were assessed costs, fees or fines at the legislative level while others were not.

7. Please detail the authority under which Joshua Douglas and Paul Salamanca, in their capacity as persons testifying before a legislative committee, were permitted to charge significant fees to private citizens with whom they share no professional relationship.

8. Please give the date(s) on which the members of the legislative impeachment committee met to determine which Plaintiffs to release from the action. For each such date, identify the members voting and the vote of each member.

9. Please outline how Joshua Douglas and Paul Salamanca were determined to be appropriate “experts” in the impeachment matters and give the name(s) of the specific individuals who retained them in this matter.

10. Please state whether Speaker Osborne in his official or private capacity was involved in the decision to allow his counsel, Paul Salamanca, to testify in the impeachment action and to charge significant fees to private citizens.

11. Please state whether any impeachment actions filed in 2022 were referred to the same or a different legislative impeachment committee.

12. Please state whether there were impeachment actions filed in 2021 that were not referred to the legislative impeachment committee.

13. Please state the total number of impeachment actions filed in 2021, and detail who they were filed against and the disposition of each impeachment action.

14. Please state the total number of impeachment actions filed in 2022, and detail who they were filed against and the disposition of each impeachment action.

15. Please give the name, title and address of the person or persons answering these discovery requests.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Please provide a copy of the contract(s) under which Joshua Douglas and Paul Salamanca were retained for their testimony before the legislative impeachment committee.

2. Please provide a copy of any contract under which Paul Salamanca was employed as counsel or otherwise by the legislature or LRC or any member thereof in the years 1/1/2020-4/10/2022.

3. Please provide a complete copy of the impeachment files related to this action, including the March 21, 2021 letter from Attorney General Daniel Cameron demanding that the impeachment committee “deter” the Breona Taylor grand jurors from requesting review or impeachment, and any other communications from the Attorney General or other Executive Branch officer to the impeachment committee.

4. Please provide the minutes from each legislative impeachment committee meeting from date of inception or 2020, through the present date.

5. Please provide a copy of all documents referenced in your responses to Interrogatories No. 2, 3, 7, and 14.

6. Please provide a copy of all communications from any Executive Branch officer to the impeachment committee members or Chair Jason Nemes or House Speaker Osborne related to impeachment for the dates 1/1/20-present.

Respectfully submitted,

/s/Anna Stewart Whites
Anna Stewart Whites
327 Logan Street
Frankfort KY 40601
(502) 352-2373
Annawhites@aol.com

CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2022, a copy of the foregoing discovery requests were filed electronically on counsel for Defendants. Notice of this filing will be sent by operation of the Court's CM/ECF system to all parties or their counsel indicated on the electronic filing receipt.

Anna Stewart Whites
Attorney for Plaintiffs