

IN THE CIRCUIT COURT OF CASS COUNTY

CITIZENS FOR TRANSPARENCY)
AND ACCOUNTABILITY,)
)
Plaintiff,) 22CA-CC00219
)
v.)
)
WESTERN CASS FIRE)
PROTECTIVE DISTRICT, ET AL.,)
)
Defendants.)

PLAINTIFF'S FIRST REQUESTS FOR
PRODUCTION OF DOCUMENTS DIRECTED TO ALL DEFENDANTS

Plaintiff Citizens for Transparency and Accountability requests that all defendants produce the following documents and materials to Plaintiff's counsel at the office of Plaintiff's counsel, Tueth Keeney Cooper Mohan & Jackstadt, P.C., 34 N. Meramec, Suite 600, St. Louis, MO 63105, within thirty (30) days after service of this request in accordance with Rule 58.01.

INSTRUCTIONS

The following Instructions shall govern the interpretation of and responses made to these Requests:

1. If you contend that a response to a Request calls for privileged information in whole or in part (including information that you claim to be within the attorney work product doctrine), or if you otherwise object to any

part of a Request, or contend that any part of your answer would be excludable for production and discovery, please specify:

- a. The reason for such objection or ground for exclusion;
- b. The basis on which the privilege or other ground is asserted;
- c. The nature of the claim of privilege; and
- d. The document(s) related to the claim of privilege.

2. Please furnish all non-privileged information which is based on your personal knowledge or which is in the possession of your attorneys or agents of any kind whatsoever. If you cannot answer any portion of a question, please specify the reason you cannot provide an answer. You are expected, however, to take all necessary steps to secure the documents, which are responsive to the Requests.

3. These requests are a continuing request for all information that is now or may hereafter come into your actual or constructive possession, custody or control and shall include documents and information generated, created, prepared, or received until the date of compliance with this request or trial, whichever is later, unless otherwise stated.

4. Documents should be provided in their native format, including metadata.

5. Unless otherwise indicated, these Requests cover the time period beginning April 6, 2022.

DEFINITIONS

For the purpose of these Requests, the following definitions shall apply:

“Address” or “addresses” means the number, street, city, state, and zip code.

“Certification” means any certificate, designation, diploma, degree, or other formal confirmation of training or qualifications.

“Correspondence” means any written communication, including but not limited to electronic mail and text messages.

“Defendant” or “defendants” means all defendants, individually and collectively, named in the Petition.

“Document” means the original and non-identical copies of any written, recorded or graphic material of any kind (including handwritten, printed, mimeographed, lithographed, duplicated, typed or other graphic, photographic, electronic or computer-generated or computer-recorded matter), and shall include but not be limited to all letters, telegrams, correspondence, email, text messages, Facebook messages, internet communications, social media communications, facsimiles, contracts,

agreements, notes, reports, memoranda, mechanical or electrical sound recordings or transcripts thereof, memoranda or telephone or personal conversations of meetings, conferences or interviews, minutes, studies, reports, analyses, tests, interoffice communications, evaluations, summaries, calendar or diary entries, appointment books, brochures, ledgers, books of account, worksheets, vouchers, receipts, cancelled checks, money orders, invoices, bills and/or any summary, computations or index of any documents which are in the possession, custody or control of Plaintiff or which Plaintiff knows to exist.

“Employed” or “Employment” shall include not only employment relationships, but also independent contractor relationships, consulting relationships, or any other relationship by which remuneration was received for products or services rendered.

“Person” or “persons” includes, whenever appropriate, not only a natural person, but also any corporation, partnership, unincorporated association, joint venture, board, or other association of persons.

“Relates to” or “relating to” means constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any way pertinent to, in whole or in part.

“You” or “Your” or “Defendants” shall mean each and all defendants named in the Petition, or any attorney, agent, representative or person, or entity acting or purporting to act on a defendant’s behalf.

REQUESTS

1. Documents showing, for person employed, appointed, or authorized by the District to respond to fire or other emergency calls:
 - a. Name, date of birth, and address of residence;
 - b. Years and location of experience in firefighting or emergency response services, including employer, titles or positions held, and whether employed, serving as an unpaid volunteer, or some other arrangement;
 - c. Firefighting or emergency certifications currently held or effective, including
 - i. the name and address of the agency, entity or person making the certification;
 - ii. the date and nature of certifications and the date on which the certification will expire, absent renewal or additional qualification.

RESPONSE:

2. Documents showing the qualifications and certifications related to the business of, their employment by, or assignments from the District held since January 1, 2021, by the District's Fire Chief, assistant chief, and training officer, including but not limited to certifications for Fire Fighter I, Fire Fighter II, Fire Instructor, Fire Officer, EMT- Basic, EMT-Paramedic or greater or any other related certification, including:

- a. The name and address of the agency, entity or person making the certification;
- b. The date and nature of certifications and the date on which the certification will expire, absent renewal or additional qualification;
- c. Documents relating to reciprocity or equivalency testing, including but not limited to equivalency testing of any federal or other firefighting or emergency services certifications submitted to the Department of Public Safety Division of Fire Safety.
- d. Submitted applications for certification, reciprocity, or equivalency testing;
- e. Approval or Denial related to any application for certification, reciprocity, or equivalency testing.

RESPONSE:

3. Documents related to all tests administered to each district personnel used to determine qualifications to respond to fire and/or EMS calls on behalf of the district, including but not limited to:

- a. Test questions administered;
- b. Testing standard used for test questions, i.e. NFPA, etc.;
- c. Author or source of test questions;
- d. Proctor of tests given;
- e. Instructions for and method for delivery of tests, including but not limited to
 - i. whether the tests are administered online or on paper,
 - ii. the time allotted for testing; and
 - iii. the date any test was administered and to whom; and
- f. Answers and score results of each individual administered testing.

RESPONSE:

4. Documents regarding the appointment or employment of each person hired, employed, or otherwise retained or appointed by the

District since April 1, 2022, to provide firefighting or emergency services, sufficient to show:

- a. Whether the person is classified for purpose of federal labor and tax law as an employee, volunteer, contractor, or some other category;
- b. Rank and/or title assigned;
- c. Date on which pay began or is projected to begin;
- d. Rate of pay, and any change since April 1, 2022 or plan or projection for change;
- e. Offer letters, contracts related to offers of employment as volunteer or paid position;
- f. Shift schedules for all emergency personnel, paid, volunteer or otherwise.
- g. Policies, rules or any documentation related to authorizing payment of wages, reimbursements, allowances, stipends, etc.

RESPONSE:

5. Documents regarding dispatch logs for the district for each call identifying:
 - a. Date of call

- b. Call type (EMS, Fire, Hazmat, etc.)
- c. Name of mutual aid agencies responding
- d. Name of district emergency personnel responding
- e. Arrival and departure times of Western Cass FPD emergency personnel
- f. Name and nature of reporting system used for call notification, i.e. (ESO, radios, etc.)

Respectfully submitted,

TUETH KEENEY COOPER
MOHAN & JACKSTADT, P.C.

By: /s/ James R. Layton
James R. Layton, #45631
34 N. Meramec, Suite 600
St. Louis, MO 63105
Telephone: (314) 880-3600
Facsimile: (314) 880-3601
Email: jlayton@tuethkeeney.com
ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was sent via U.S. mail on this 11th day of October , 2022, upon the following:

Frank Robert Flaspohler
112 East Morrison Street
Post Office Box 329
Fayette, Missouri 65248
Telephone: (660) 248-1040
office@showmelawyer.com
ATTORNEY FOR PLAINTIFF

/s/ James R. Layton