

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

Pursuant to Rule 58.01, Citizens for Transparency and Accountability requests that all defendants produce the following documents and materials to Plaintiff's counsel at the office of Defendant'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 pursuant to Rule 58.01(c)(1).

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. Where the response calls for information derived from records or documents available to you, you may satisfy the Requests by furnishing the documents or copies thereof to the Defendants in accordance with the Missouri Rules of Civil Procedure.

4. 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.

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

6. 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.

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

“District” means the Western Cass Fire Protection District.

“Defendant” means the 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.

“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 Plaintiff’s behalf.

### **REQUESTS**

1. All correspondence, and any document attached to or accompanying such correspondence, between any defendant and:
  - a. Any other defendant
  - b. Michelle Schroeder, CPA
  - c. John Martin, CPA
  - d. Monte Olsen and Nice Bear consulting, and anyone affiliated therewith
  - e. The parliamentarian retained by the District
  - f. SmartProKC and anyone affiliated therewith
  - g. Community Bank of Raymore and all its branches, and anyone affiliated therewith
  - h. Citizens Bank and all its branches, and anyone affiliated therewith
  - i. Commerce Bank and all its branches, and anyone affiliated therewith
  - j. Mike Keith Insurance, Inc.

- k. Network Adjusters, Inc.
- l. City of Belton, and any officer or employee of that City
- m. Dolan-West Dolan Fire Protection District, and an officer or employee of that District

**RESPONSE:**

- 2. Documents showing the requests for services made to or instructions given to any of the persons or entities named in Request No. 1, and for each such request or instruction:
  - a. Date request made or instruction given;
  - b. Description of the request or instruction;
  - c. Person(s) making the request or instruction;
  - d. Whether and what action was taken in response to the request or instruction, and when.

**RESPONSE:**

- 3. Documents showing the agreements, amendments, contracts, or arrangements between the District and any financial institution, and identifying each and every account at any such institution, including but not limited to Citizens Bank, Community Bank and Commerce Bank, and any

instruction or direction given to that institution. The Documents should sufficient to show:

- a. Date of agreement, amendment, contract, arrangement, instruction, or direction;
- b. Requestor(s) and signor(s);
- c. Person(s) making the request or giving the instruction or direction;
- d. Whether if action was taken or the instruction or direction complied with;
- e. Outcome and date of action or in-action was taken
- f. Whether accounts were opened or closed, and if so, which accounts; and
- g. Changes to user permission or security access.

**RESPONSE:**

4. Documents showing all credit or debit cards and merchant accounts authorized by the District to be used to make purchases for the District, whether existing prior to April 8, 2022, or opened (or closed) at any time since April 6, 2022, including:

- a. Name of the banking institution of the card

- b. Requestor of the card or account
- c. Person authorizing the card or account
- d. Person(s) authorized to use the card or account
- e. Date merchant credit and/or debit card or vendor account was requested
- f. Date merchant credit and/or debit card or vendor account was opened or closed
- g. Credit limit of the card or account
- h. Account number of the card or account
- i. Credit, debit card or vendor account statements
- j. Monthly Statements or if not produced monthly, statements produced on the account
- k. If the account was opened, closed, or otherwise modified since April 6, 2022, what changes were made and when those changes were made.

**RESPONSE:**

- 5. Sunshine requests submitted to District, include:
  - a. Copies of requests received or if received verbally, identify the date and nature of the request



- b. Responses provided for each request.

**RESPONSE:**

- 6. Documents showing all reimbursements made to any director, officer, employee or contractor for the District and showing the:
  - a. Purpose of reimbursement
  - b. Date of reimbursement
  - c. Individual authorizing the reimbursement
  - d. Name of individual receiving reimbursement
  - e. Payment method for reimbursement
  - f. Payment amount reimbursed
  - g. If the purpose of the reimbursement is to pay for goods acquired or services provided for the District and the person being reimbursed was not the person actually providing the goods or services, also provide documents identifying the person actually providing the services.

**RESPONSE:**

7. Emails, texts, TEAM chats, or any other communication sent by one director to two or more other directors, whether using the TO: CC: or BCC.

**RESPONSE:**

8. Documents relating to any insurance claim relating to this lawsuit.

**RESPONSE:**

9. Documents showing the history from all three levels of the Recycle Bin for the District's SharePoint document repository, whether at SmartProKC or otherwise, to include but not limited to:
  - i. Documents sufficient to show which documents were deleted, by whom, and dates deleted.
  - ii. Documents sufficient to provide a Version History of documents modified, by whom, and dates modified.

**RESPONSE:**

10. Documents showing activated or de-activated features, accounts or otherwise for the District account at SmartProKC, including but not limited to:
  - a. Email accounts, alias or otherwise
  - b. All TEAMS groups, including documents showing all members within each TEAM
  - c. List of all folders and documents, videos or other information stored within each TEAMS groups.

**RESPONSE:**

11. Documents showing the following regarding any TEAMS group in the District's TEAMS account:
  - a. Date the TEAM group was created
  - b. TEAM group creator
  - c. Members of each TEAMS group
  - d. Security Permission levels of each TEAMS group
  - e. Copies of all folders, sub-folders and files within each TEAMS group to include but not limited to the following:
    - i. Document creator
    - ii. Date/time document created

iii. Document version history

**RESPONSE:**

10. Non-privileged documents, and non-privileged portions of documents, relating to the litigation subcommittee, including but not limited to all notices of meetings of the subcommittee and documents showing when and where the subcommittee notices were posted.

**RESPONSE:**

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](mailto:jlayton@tuethkeeney.com)  
ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was served via electronic mail on this 11<sup>th</sup> 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](mailto:office@showmelawyer.com)

/s/ James R. Layton