

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF TEXAS
3 SAN ANTONIO DIVISION

4)
5)
6 **MARTIN VICTOR HILL, PRO SE**) Civil Action No. 5:12-CV-00827
7)
8 Plaintiff,)
9 vs.)
10 **THE TEXAS DEPARTMENT OF**)
11 **PUBLIC SAFETY, YOLANDA**) Jury
12 **AGUINAGA, AND KEVIN**)
13 **MARMOR**)
14 Defendants

15 **Plaintiffs' First Set of Request for Production of Documents and Things**
16 **to Defendants**

17 TO: Kevin Marmor, Yolanda Aguinaga, via e-mail to Seth Dennis,
18 (seth.dennis@texasattorneygeneral.gov); Rachael Airen
19 (rachael.airen@texasattorneygeneral.gov)

20 Plaintiff Martin Hill, pursuant to Rule 34, requests the production within thirty
21 (30) days after service herein, each and every document described below.

22 Plaintiff specifically request that Defendants observe Rule 26(e) regarding the

23 Timely supplementation of responses to these foregoing requests. In responding to
24 the requests contained herein, you are instructed as follows:
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26 (a) 'You', 'your or 'Defendants' as used herein refers to Kevin Marmor and
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1 Yolanda Aguinaga, as well as all agents, attorneys, employees, representatives, and
2 any other person acting or purporting to act on Kevin Marmor and Yolanda
3 Aguinaga's behalf.
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5 (b) "Person" as used herein means any natural person, firm, association,
6 organization, partnership, business trust, corporation or public entity.
7

8 (c) "Incident" as used herein refers to the incidents complained of in Plaintiff's
9 Original Complaint.
10

11 (d) "Communication" as used herein means any transfer of information, written
12 or oral, formal or informal, by any means whatsoever.
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14 (e) "Evidencing" as used herein means tending to show, in any probative
15 manner, the existence or non-existence of any matter.
16

17 (f) "Document" as used herein means the original and each non-identical copy
18 (whether different from the original because of marginal notes or other material
19 inserted therein, or attached thereto, or for any other reason) of any recording of
20 information on any tangible thing. This includes, but is not limited to all, whether
21 an original or a draft, and however produced or reproduced, the following:
22 memoranda, paper, books, letters, correspondence, notes, handwritings,
23 type writings, photostats, mimeographs, photographs, transcripts, minutes,
24 microfilm, microfiche, reports, recordings of telephone conversations or other
25 communications, recording of interviews or other meetings, contents of business or
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1 personal files, contracts, computer printouts, computer disks, data processing
2 inputs or outputs, summaries, statements, affidavits, maps, charts, drawings,
3 diagrams, videotape, audiotape, x-rays, and any other data compilations from
4 which information can be obtained or translated.
5

6 (g) “Concerning” means referring to, alluding to, responding to, relating to,
7 Connected with, commenting on, in respect of, about, regarding, discussing,
8 showing, describing, mentioning, reflecting, analyzing, constituting, evidencing or
9 pertaining to.
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12 (h) Any document requested herein which is in the actual or constructive care,
13 custody, control or possession of Defendants, is to be provided to the Plaintiff per
14 the terms of this request. If a privilege is claimed, please specifically identify the
15 privilege on which you rely.
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18 **CLAIMS OF PRIVILEGE**

19 If you claim that any document for which production is requested is privileged
20 from disclosure or otherwise beyond the scope of discovery, for each such
21 document:
22

- 23 1. Identify the document, specifying the date (or approximate date) of
24 preparation, the nature of its content, the name of the author, and the name and
25 business address of its custodian.
26
- 27 2. Specify the exact nature of the privileged claim.
28

1 **LOST OR DESTROYED DOCUMENTS**

2 If any document for which production is requested has been lost or destroyed, for
3 each such document, state the circumstances relating to loss or destruction of such
4 documents, the approximate date of the loss or destruction and a reasonably
5 complete description of the contents of said document.
6

7

8 Respectfully submitted,

9 Martin Victor Hill
10 *Appearing Pro Se*
11

12 **Certificate of Service**

13

14 I, Martin Victor Hill, do hereby certify that a true and correct copy of the above
15 and foregoing **Plaintiffs’ First Set of Request for Production of Documents**
16 **and Things to Defendants** has been served by via email to Kevin Marmor,
17 Yolanda Aguinaga, via e-mail to Seth Dennis,
18 (seth.dennis@texasattorneygeneral.gov); Rachael Airen
19 (rachael.airen@texasattorneygeneral.gov) on this the 10th day of August, 2013.
20

21 /s/ Martin Victor Hill
22 MARTIN VICTOR HILL
23 *Appearing Pro Se*
24

25 **Requests for Production**

26 **Request for Production No. 1:** Please produce the entire file from the Texas
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1 Department of Public Safety involving Plaintiff Martin Victor Hill and
2 Defendants Kevin Marmor and Yolanda Aguinana, involving the incident
3 of November 10, 2010, including, but not limited to, all documents, files, notes,
4 summaries, audio tapes, video tapes, electronic data, (to include any and all
5 existing electronic copies of documents, reports, summaries, emails, text
6 messages, interoffice communications or any other data), and any other
7 information maintained by the Texas Department of Public Safety in regards
8 to the incident on November 10, 2010 and any related matters.
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11

12 **Answer:**

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14 **Request for Production No. 2:** Please produce any and all records of all
15 communication between the Texas Department of Public Safety and any
16 other law enforcement agencies or governmental agencies regarding
17 Plaintiff Martin Victor Hill, including but not limited to, the U.S. Department
18 of Justice, Federal Bureau of Investigation, the Department of Homeland
19 Security, the California Department of Motor Vehicles, any California law
20 enforcement agencies and/ or any city, county, state or federal law
21 enforcement agencies.
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24

25 **Answer:**

26 **Request for Production No. 3:** Please produce all personnel records for Yolanda
27 Aguinaga while employed by the Texas Department of Public Safety, and any and
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1 all related agencies, and/or any other employer Aguinaga worked for in law
2 enforcement and/or as a civilian DOT/commercial vehicle inspector.
3

4 **Answer:**

5 **Request for Production No. 4:** Please produce all personnel records for Kevin
6 Marmor while employed by the Texas Department of Public Safety, any and all
7 related agencies, and/or any other employer Marmor worked for in law
8 enforcement and/or related fields.
9
10

11 **Answer:**

12 **Request for Production No. 5:** Please produce a list of any and all law
13 enforcement agencies that Yolanda Aguinaga has worked for.
14

15 **Answer:**

16 **Request for Production No. 6:** Please produce a list of any and all law
17 enforcement agencies that Kevin Marmor has worked for.
18

19 **Answer:**

20 **Request for Production No. 7:** Please produce copies of all data, records and
21 details of any and all disciplinary action and/or corrective action ever taken
22 against Kevin Marmor by the Texas Department of Public Safety and/or any other
23 employer Marmor worked for in law enforcement; including all information,
24 details, and records of the "corrective action" which was acknowledged to have
25 been taken against Marmor as a result of the November 10, 2010 incident
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1 involving Plaintiff Martin Hill.

2 **Answer:**

3
4 **Request for Production No. 8:** Please produce copies of all data, records and
5 details of any and all disciplinary action and/or corrective action ever taken
6 against Yolanda Aguinana by the Texas Department of Public Safety and/or any
7 other employer Aguinana worked for in law enforcement and/or as a civilian
8 DOT/commercial vehicle inspector; including all information, details, and records
9 of the "corrective action" which was acknowledged to have been taken against
10 Aguinana as a result of the November 10, 2010 incident involving Plaintiff Martin
11 Hill.
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15 **Answer:**

16 **Request for Production No. 9:** Please produce all information, details, and copies
17 of all data relating to training and/or retraining provided to Kevin Marmor by the
18 Texas Department of Public Safety and/or any other employer Marmor worked for
19 in law enforcement, including the retraining which was acknowledged to have
20 been given to Marmor as a result of the November 10, 2010 incident involving
21 Plaintiff Martin Hill.
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25 **Answer:**

26 **Request for Production No. 10:** Please produce all information, details, and
27 copies of all data relating to training and/or re-training provided to Yolanda
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2 Aguinaga by the Texas Department of Public Safety and/or any other employer
3 Aguinaga worked for in law enforcement, including retraining which was
4 acknowledged to have been given to Aguinaga as a result of the November 10,
5
6 2010 incident involving Plaintiff Martin Hill

7 **Answer:**

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9 **Request for Production No. 11:** Please produce copies of all Information on any
10 and all civilian complaints of misconduct ever filed against Yolanda Aguinaga
11 while employed by the Texas Department of Public Safety and/or any other
12 employer Aguinaga worked for in law enforcement and/or as a civilian
13 DOT/commercial vehicle inspector.
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16 **Answer:**

17 **Request for Production No. 12:** Please produce copies of all Information on any
18 and all civilian complaints of misconduct ever filed against Kevin Marmor while
19 employed by the Texas Department of Public Safety and/or any other employer
20 Marmor worked for in law enforcement.
21

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23 **Answer:**

24 **Request for Production No. 13:** Please produce any and all records of any verbal
25 and/or 'unofficial' complaints and/or allegations of misconduct ever alleged or
26 issued against against Yolanda Aguinaga while employed by the Texas
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1 Department of Public Safety and/or any other employer Aguinaga worked for in
2 law enforcement and/or as a civilian DOT/commercial vehicle inspector.
3

4 **Answer:**

5 **Request for Production No. 14:** Please produce any and all records of any verbal
6 and/or 'unofficial' complaints and/or allegations of misconduct
7
8 ever alleged or issued against Kevin Marmor while employed by the Texas
9 Department of Public Safety and/or any other employer Marmor worked for in law
10 Enforcement.
11

12 **Answer:**

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14 **Request for Production No. 15:** Please produce all records of any verbal
15 warnings or suspensions ever given to Yolanda Aguinaga while employed by the
16 Texas Department of Public Safety and/or any other employer Aguinaga worked
17 for in law enforcement and/or as a civilian DOT/commercial vehicle inspector.
18

19 **Answer:**

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21 **Request for Production No. 16:** Please produce all records of any verbal
22 warnings or suspensions ever given to Kevin Marmor while employed by the
23 Texas Department of Public Safety and/or any other employer Marmor worked for
24 in law enforcement.
25

26 **Answer:**

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28 **Request for Production No. 17:** Please produce the name(s) of any officer or

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2 supervisor with whom Kevin Marmor ever discussed the case involving Plaintiff
3 Martin Hill regarding the events of November 10, 2010.

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5 **Answer:**

6 **Request for Production No. 18:** Please produce the name(s) of any officer or
7 supervisor with whom Yolanda Aguinaga ever discussed the case involving
8 Plaintiff Martin Hill regarding the events of November 10, 2010.

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10 **Answer:**

11 **Request for Production No. 19:** Please produce any and all daily log books,
12 memos, and/or any reports generated to a supervisor by Kevin Marmor for
13 November 10, 2010.

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16 **Answer:**

17 **Request for Production No. 20:** Please produce any and all daily log books,
18 memos, and/or any reports generated to a supervisor by Yolanda Aguinaga for
19 November 10, 2010.

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21 **Answer:**

22 **Request for Production No. 21:** Please produce any and all written, typed or
23 computer generated reports of November 10, 2010 by Kevin Marmor, be they
24 personal or inter-department.
25

26
27 **Answer:**
28

1 **Request for Production No. 22:** Please produce any and all written, typed or
2 computer generated reports of November 10, 2010 by Yolanda Aguinaga, be they
3 personal or inter-department.
4

5 **Answer:**

6 **Request for Production No. 23:** Please produce any and all Texas Department of
7 Public Safety departmental phone records regarding the incident of November 10,
8 2010 and Plaintiff Martin Hill.
9

10 **Answer:**

11 **Request for Production No. 24:** Please produce the timecard/ sign in sheet and
12 documentation of hourly wages for Kevin Marmor for the date of November 10,
13 2010.
14

15 **Answer:**

16 **Request for Production No. 25:** Please produce the timecard/ sign in sheet and
17 documentation of hourly wages for Yolanda Aguinaga for the date of November
18 10, 2010.
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20 **Answer:**

21 **Request for Production No. 26:** Please produce documentation and all records of
22 the work schedule and work break schedule for Kevin Marmor for the month of
23 November 2010.
24

25 **Answer:**

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1 **Request for Production No. 27:** Please produce documentation and all records of
2 the work schedule and work break schedule for Yolanda Aguinaga for the month
3 of November 2010.
4

5 **Answer:**

6 **Request for Production No. 28:** Please produce copies of any and all records of
7 Written and/or verbal Employee reviews and or performance reviews, awards,
8 admonishments, write-ups, or criticisms of Kevin Marmor by the Texas
9 Department of Public Safety and/or any other employer Marmor has worked for in
10 law enforcement.
11
12

13 **Answer:**

14 **Request for Production No. 29:** Please produce copies of any and all records of
15 Written and/or verbal Employee reviews and or performance reviews, awards,
16 admonishments, write-ups, or criticisms of Yolanda Aguinaga by the Texas
17 Department of Public Safety and/or any other employer Aguinaga has worked for
18 in law enforcement and/or as a civilian DOT/commercial vehicle inspector.
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22 **Answer:**

23 **Request for Production No. 30:** Please produce a list of any/all partners that
24 Kevin Marmor has worked with while employed with the Texas Department of
25 Public Safety and any other law enforcement agency.
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27 **Answer:**

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1 **Request for Production No. 31:** Please produce a list of any/all partners that
2 Yolanda Aguinaga has worked with Texas Department of Public Safety and as a
3 commercial vehicle inspector.
4

5 **Answer:**

6 **Request for Production No. 32:** Please produce a list of any and all certifications,
7 classes, and continuing education courses that Yolanda Aguinaga has completed or
8 is required to take and/or maintain as a condition of her employment with the
9 Texas Department of Public Safety and as a commercial vehicle inspector.
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11

12 **Answer:**

13 **Request for Production No. 33:** Please produce a list of any and all certifications
14 and classes, and continuing education courses that Kevin Marmor has completed or
15 is required to take and/or maintain as a condition of his employment with the
16 Texas Department of Public Safety.
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19 **Answer:**

20 **Request for Production No. 34:** Please produce a copy of any and all verbal and
21 written oaths that Kevin Marmor has taken and/or sworn to, or is required to take,
22 as a condition of or result of his employment with the Texas Department of
23 Public Safety.
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26 **Answer:**

27 **Request for Production No. 35:** Please produce a copy of any and all verbal or
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1
2 written oaths that Yolanda Aguinaga has taken and/or sworn to, or is required to
3 take, as a condition of or result of her employment with the Texas Department of
4 Public Safety and/or as a commercial vehicle inspector.
5

6 **Answer:**

7 **Request for Production No. 36:** Please produce copies of all records and
8 information on any/all lawsuits that have ever been filed against Kevin Marmor
9

10 **Answer:**

11 **Request for Production No. 37:** Please produce copies of all records and
12 information on any/all lawsuits that have ever been filed against Yolanda Aguinaga
13

14 **Answer:**

15 **Request for Production No. 38:** Please produce copies of any and all information
16 and documents relating to criminal records, charges, indictments, and /or
17 convictions against Yolanda Aguinaga.
18

19 **Answer:**

20 **Request for Production No. 39:** Please produce copies of any and all information
21 and documents relating to criminal records, charges, indictments, and /or
22 convictions against Kevin Marmor.
23

24 **Answer:**

25 **Request for Production No. 40:** Please produce all training manuals that are used
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1 in training and/or provided to Kevin Marmor as part of his employment with the
2 Texas Department of Public Safety.
3

4 **Answer:**

5 **Request for Production No. 41:** Please produce all training manuals that are used
6 in training and/or provided to Yolanda Aguinaga as part of her employment with
7 the Texas Department of Public Safety and/or her employment as a commercial
8 vehicle inspector.
9

10 **Answer:**

11 **Request for Production No. 42:** Please produce all employee handbooks and/or
12 training manuals that are used and issued in connection with Kevin Marmor's
13 employment with the Texas Department of Public Safety.
14

15 **Answer:**

16 **Request for Production No. 43:** Please produce all employee handbooks and/or
17 training manuals that are used and issued in connection with Yolanda Aguinaga's
18 employment with the Texas Department of Public Safety and/or her employment
19 as a commercial vehicle inspector.
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22 **Answer:**

23 **Request for Production No. 44:** Please produce a list of any and all fraternal
24 organizations, clubs, groups, and or secret societies, public societies, and law
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1 enforcement groups, that Kevin Marmor is a member of or has been a member of
2 since working in law enforcement.
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4 **Answer:**

5 **Request for Production No. 45:** Please produce a list of any and all fraternal
6 organizations, clubs, groups, and or secret societies, public societies, and law
7 enforcement groups that Yolanda Aguinaga is a member of or has been a member
8 of since working in law enforcement.
9

10 **Answer:**

11 **Request for Production No. 46:** Please produce records of any and all verbal and
12 written admissions, medical records and documentation that exists of any
13 alcoholism, illicit drug use, drug abuse treatment, alcoholism treatment, mental
14 health treatment, hospitalization, or care received by Kevin Marmor from 2008-
15 2013.
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19 **Answer:**

20 **Request for Production No. 47:** Please produce records of any and all verbal and
21 written admissions, medical records and documentation that exists of any
22 alcoholism, illicit drug use, drug abuse treatment, alcoholism treatment, mental
23 health treatment, hospitalization, or care received by Yolanda Aguinaga from
24 2008-2013.
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27 **Answer:**

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1 **Request for Production No. 48:** Please produce all records of any and all
2 extended time off work that Kevin Marmor has taken since he has been employed
3 with the Texas Department of Public Safety.
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5 **Answer:**

6 **Request for Production No. 49:** Please produce all records of any and all
7 extended time off work that Yolanda Aguinaga has taken since she has been
8 employed with the Texas Department of Public Safety or as a commercial vehicle
9 inspector.
10
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12 **Request for Production No. 50:** Please produce information and listings of any
13 and all nongovernmental agencies and/or nongovernmental law enforcement
14 education organizations that provide or have ever provided written, verbal, course
15 training or seminars to Kevin Marmor and Yolanda Aguinaga and to employees
16 and supervisors of the Texas Department of Public Safety; and any non
17 governmental groups which have provided written or verbal, or course training to
18 the supervisors of Kevin Marmor and Yolanda Aguinaga or to the Texas
19 Department of Public Safety.
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24 **Answer:**

25 **Request for Production No. 51:** Please produce copies and full details of any and
26 all training and/or seminars offered to Kevin Marmor and Yolanda Aguinaga and
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1 to the employees and supervisors of the Texas Department of Public Safety by The
2 Anti-Defamation League, The Anti-Defamation League's Advanced Training
3 School, The Anti-Defamation League's Advanced Training School (ATS) course
4 on Extremist and Terrorist Threats, The Southern Poverty Law Center, The
5 American Civil Liberties Union, and any and all non governmental agencies,
6 private security companies, and domestic and foreign groups or corporations.
7

8 Include full copies of the curriculum offered in these courses.
9

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11 **Answer:**

12 **Request for Production No. 52:** Please produce copies and full details of any and
13 all training and/or seminars and curriculum offered to Kevin Marmor and Yolanda
14 Aguinaga and their TX DPS supervisors by the U.S. Department of Homeland
15 Security, the Federal Bureau of Investigation, U.S. Secret Service, The Texas
16 Attorney General, Coast Guard Investigative Service, Immigrations and Customs
17 Enforcement, Central Intelligence Agency Threat Management Unit, Texas
18 Department of Criminal Justice, Texas Parks & Wildlife Department, Department
19 of the Treasury, Drug Enforcement Administration, The Bureau of Alcohol,
20 Tobacco, Firearms and Explosives, Army National Guard, and any other local,
21 state, national, or international governmental agency which has trained Kevin
22 Marmor, Yolanda Aguinaga, and or their superiors at the Texas Department of
23 Public Safety.
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1 **Answer:**

2 **Request for Production No. 53:** Please produce copies and full details of any and
3
4 all training and/or seminars ever offered to Kevin Marmor and Yolanda Aguinaga
5 by any law enforcement agency and or non-governmental agency or group which
6
7 covered the curriculum and topics of the 4th Amendment, Constitutional rights,
8 Identification requirements, the 'sovereign citizen' movement, libertarians, white
9
10 supremacy, anti-government extremism, anti-terrorism, homegrown Islamic
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12 extremism, the 9/11 attacks, 9/11 truthers, conspiracy theorists, Ron Paul
13
14 supporters, Constitutionlists, anti-abortionists, religious extremism, and all related
15
16 subjects.

15 **Answer:**

16 **Request for Production No. 54:** Please produce copies and full details of any
17
18 curriculum and all training and/or seminars offered to Kevin Marmor and Yolanda
19
20 Aguinaga by the Intelligence and Counterterrorism Division (ICT) and the Texas
21
22 Fusion Center. Include their training on ID requirements and the 4th Amendment.

23 **Answer:**

24 **Request for Production No. 55:** Please produce copies and full details of any
25
26 curriculum and all training and/or seminars offered to Kevin Marmor and Yolanda
27
28 Aguinaga by the Texas Department of Public Safety Law Enforcement Education

1 training program, including the curriculum and all records of Marmor and
2 Aguinaga's completion of at least 40 hours of continuing education every two
3 years, from the years of 2006-2013. Include all written and verbal evaluations for
4 Marmor and Aguinaga.
5

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7 **Answer:**

8 **Request for Production No. 56:** Please produce copies and full details of any
9 curriculum and all training and/or seminars offered to Kevin Marmor and Yolanda
10 Aguinaga by the Texas Department of Public Safety Tactical Training Center,
11 including classes and curriculum presented by the Texas Department of Public
12 Safety Employee Development (ED) regarding the 4th Amendment, ID
13 requirements, and curriculum of the Employee Development course "Dealing with
14 Difficult People."
15
16

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18 **Answer:**

19 **Request for Production No. 57:** Please produce a hard copy of the 'TEXAS
20 COMMERCIAL MOTOR VEHICLE DRIVER HANDBOOK'

21 <http://www.txdps.state.tx.us/internetforms/Forms/DL-7C.pdf>
22

23
24 **Answer:**

25 **Request for Production No. 58:** Please produce a hard copy of 'A Texas Motor
26 Carrier's Guide to Improving Highway Safety'

27 <http://www.txdps.state.tx.us/internetforms/Forms/MCS-9.pdf>
28

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2 **Answer:**

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