

In the United States District Court
for the Western District of Texas
San Antonio Division

Martin Victor Hill,
Plaintiff,

v.

TDPS, *et al.*,
Defendants.

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Civil Action No. 5:12-CV-0827

Jury

**Defendants' Aguinaga and Marmors' Objections and Responses to
Plaintiff's First Request for Production**

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

Answer: Produced to Plaintiff in initial disclosures.

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

Answer: Defendants object to the discovery request at this time based upon their

entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Defendants also object to the discovery request because overly broad, unduly burdensome, not reasonably limited in scope.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Defendants also object to the discovery request because overly broad, unduly burdensome, not reasonably limited in scope.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Defendants also object to the discovery request because overly broad, unduly burdensome, not reasonably limited in scope.

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

Answer: Does not exist and no duty to create one.

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

Answer: Does not exist and no duty to create one.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Defendants also object to the discovery request because overly broad, unduly burdensome, not reasonably limited in scope. Without waiving their objections, Defendants disclosed relevant documents pertaining to this discovery request in their initial disclosures.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Defendants also object to the discovery request because overly broad, unduly burdensome, not reasonably limited in scope.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Defendants also object to the discovery request because overly broad, unduly burdensome, not reasonably limited in scope. Without waiving their objections, documentation related to retraining regarding the incident in question were produced in the initial disclosures.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Defendants also object

to the discovery request because overly broad, unduly burdensome, not reasonably limited in scope.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Also it is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, Defendants object to the extent the request is overbroad.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Also it is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, Defendants object to the extent the request is overbroad.

Request for Production No. 13: Please produce any and all records of any verbal and/or 'unofficial' complaints and/or allegations of misconduct ever alleged or issued against Yolanda Aguinaga while employed by the Texas Department of Public Safety and/or any other employer

Aguinaga worked for in law enforcement and/or as a civilian DOT/commercial vehicle inspector.

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Also it is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, Defendants object to the extent the request is overbroad.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Also it is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, Defendants object to the extent the request is overbroad.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Also it is irrelevant and not reasonably calculated to lead to the discovery of admissible

evidence. Lastly, Defendants object to the extent the request is overbroad.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Also it is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, Defendants object to the extent the request is overbroad.

Request for Production No. 17: Please produce the name(s) of any officer or supervisor with whom Kevin Marmor ever discussed the case involving Plaintiff Martin Hill regarding the events of November 10, 2010.

Answer: Produced to Plaintiff in initial disclosures.

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

Answer: Produced to Plaintiff in initial disclosures.

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

Answer: Produced to Plaintiff in initial disclosures.

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

Answer: Produced to Plaintiff in initial disclosures.

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

Answer: Produced to Plaintiff in initial disclosures.

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

Answer: Produced to Plaintiff in initial disclosures.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving their objections, this document does not exist.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the

discovery of admissible evidence.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement

to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, no such list exists and Defendants have no duty to create one.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, no such list exist and Defendants have no duty to create one.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, Defendants object to the extent the request is overbroad.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, Defendants object to the extent the request is overbroad.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457

U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, Defendants object to the extent the request is overbroad.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, Defendants object to the extent the request is overbroad.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement

to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, Defendants object to the extent the request is overbroad.

Request for Production No. 41: Please produce all training manuals that are used in training and/or provided to Yolanda Aguinaga as part of her employment with the Texas Department of

Public Safety and/or her employment as a commercial vehicle inspector.

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, Defendants object to the extent the request is overbroad.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, Defendants object to the extent the request is overbroad.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the

discovery of admissible evidence.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, the request is unduly burdensome and nothing more than pure harassment by the Plaintiff.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, the request is unduly burdensome and nothing more than pure harassment by the Plaintiff.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, the request is unduly burdensome and nothing more than pure harassment by the Plaintiff.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, the request is unduly burdensome and nothing more than pure harassment by the Plaintiff.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the

discovery of admissible evidence.

Request for Production No. 49: Please produce all records of any and all extended time off work that Yolanda Aguinaga has taken since she has been employed with the Texas Department of Public Safety or as a commercial vehicle inspector.

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Request for Production No. 50: Please produce information and listings of any and all nongovernmental agencies and/or nongovernmental law enforcement education organizations that provide or have ever provided written, verbal, course training or seminars to Kevin Marmor and Yolanda Aguinaga and to employees and supervisors of the Texas Department of Public Safety; and any non-governmental groups which have provided written or verbal, or course training to the supervisors of Kevin Marmor and Yolanda Aguinaga or to the Texas Department of Public Safety.

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, Defendants object to the extent the request is overbroad.

Request for Production No. 51: Please produce copies and full details of any and all training

and/or seminars offered to Kevin Marmor and Yolanda Aguinaga and to the employees and supervisors of the Texas Department of Public Safety by ., and any and all non-governmental agencies, private security companies, and domestic and foreign groups or corporations. Include full copies of the curriculum offered in these courses.

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to the extent the request is overbroad. Lastly, the request is unduly burdensome and nothing more than pure harassment by the Plaintiff.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this

request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to the extent the request is overbroad. Lastly, the request is unduly burdensome and nothing more than pure harassment by the Plaintiff.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Defendants object to the extent the request is overbroad. Lastly, the request is unduly burdensome and nothing more than pure harassment by the Plaintiff.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this

request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, the request is unduly burdensome and nothing more than pure harassment by the Plaintiff.

Request for Production No. 55: Please produce copies and full details of any curriculum and all training and/or seminars offered to Kevin Marmor and Yolanda Aguinaga by the Texas Department of Public Safety Law Enforcement Education training program, including the curriculum and all records of Marmor and Aguinaga's completion of at least 40 hours of continuing education every two years, from the years of 2006-2013. Include all written and verbal evaluations for Marmor and Aguinaga.

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, Defendants object to the extent the request is overbroad.

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457

U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, this request is beyond the scope of discovery, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Lastly, Defendants object to the extent the request is overbroad.

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

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, the responsive information is a matter of public record and is equally available to the Plaintiff thus no obligation to produce a hard copy.

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

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

Answer: Defendants object to the discovery request at this time based upon their entitlement to qualified immunity, which includes immunity from discovery. *See Harlow v. Fitzgerald*, 457 U.S. 800, 817-818 (1982); *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Furthermore, the responsive information is a matter of public record and is equally available to the Plaintiff thus no obligation to produce a hard copy.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I, SETH BYRON DENNIS, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing **Defendants' Responses and Objections to Plaintiff's First Request for Production** has been served via e-mail to mhill.losangeles@live.com, clpc75@live.com on this 26 day of August, 2013, addressed to:

Martin Victor Hill
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Appearing Pro Se



SETH BYRON DENNIS
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