

**CAUSE NO.**

**SHELTON CHARLES,  
Plaintiff,**

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v.

Civil Action No. A-06CA158LY

**TEXAS LOTTERY COMMISSION AND  
GARY GRIEF IN HIS INDIVIDUAL AND  
OFFICIAL CAPACITY,  
Defendant.**

**PLAINTIFF, SHELTON CHARLES' FIRST SET OF INTERROGATORIES TO  
DEFENDANT GARY GRIEF.**

TO: Defendant, Texas Lottery Commission, by and through its attorney of record, Mr. William Deane, Assistant Attorney General, P.O. Box 12548, Austin, Texas 78711.

The following Interrogatories are propounded to the above Defendant and are to be answered by and in accordance with the Federal Rules of Civil Procedure. Answers are requested within thirty (30) days of service hereof at the offices of Plaintiff's attorneys, Howard & Kobelan, 100 Congress Avenue, Suite 1720, Austin, Texas 78701, as set forth in the Texas Rules of Civil Procedure.

Respectfully submitted,  
**HOWARD & KOBELAN**  
100 Congress Avenue, Ste. 1720  
Austin, Texas 78701  
(512) 480-9300  
(512) 480-9374

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Derek A. Howard  
State Bar Number 10064600  
Robert W. Schmidt  
State Bar Number: 17775429

**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

By my signature above, I, Robert W. Schmidt, certify that a true and correct copy of the above and foregoing document has been forwarded via Certified Mail - Return Receipt Requested to the following on this 13<sup>th</sup> day of July 2006:

Mr. William Deane  
Assistant Attorney General  
P.O. Box 12548  
Austin, Texas 78711

*Via Certified Mail – Return Receipt Requested*

## DEFINITIONS

For purposes of these interrogatories, the terms used herein shall have the following meanings:

A. “Document” and “documents” shall be used in their broadest sense and shall mean and include all written, printed, typed, recorded, electronic, computer, or graphic matter of every kind and description, both originals and copies, and all attachments and appendices thereto, that are in the possession, custody, or control of the attorney for Defendant. Without limiting the term “control,” a document is deemed to be within your control if you have ownership, possession or custody of the document, or the right to secure the document or copy thereof from any person or public or private entity having physical control thereof.

B. As used herein, the term “*defendant*” or “*Defendant*” is inclusive and shall include Texas Lottery Commission., its respective current and former officers, directors, partners, employees, servants, agents, attorneys, and shareholders, if any, of the referenced person(s) or entity and should be deemed to reflect gender and number as the text of the Requests for Production may require.

C. As used herein, the term “*defendants*” or “*Defendants*” is inclusive and shall include Texas Lottery Commission and Gary Grief in his individual and official capacity, their respective current and former officers, directors, shareholders, partners, employees, servants, agents, or attorneys, if any, of the referenced person(s) or entity and should be deemed to reflect gender and number as the text of the Requests for Production may require.

D. “Plaintiffs” shall mean the plaintiff named in this lawsuit.

E. “You” and “your” shall mean the party to whom these interrogatories are directed, as well as all other persons acting or purporting to act in its behalf, including any current or former employee, agent, attorney, or other representative.

F. As used herein, the words “and” and “or” shall be construed either conjunctively or disjunctively as required by the context so that these interrogatories are construed in the broadest possible sense in keeping with the scope of the Texas Rules of Civil Procedure.

G. “Person” shall mean any individual, partnership, association, corporation, joint venture, firm, proprietorship, agency, board, authority, commission, or other legal or business entity.

H. To “identify” an individual means to state that individual’s:

1. name;
2. current or last known telephone numbers at business and home; and
3. current or last known business or home addresses.

- I. To “identify” a person (as defined herein) other than an individual means to state:
1. its full name;
  2. the nature of its organization;
  3. the address and telephone number of its principle offices, and if applicable, the state in which it is incorporated; and
  4. its principle line of business or activity.
- J. To “identify” an act, event, occurrence or communication means:
1. to state its date (*See* Instructions for these Interrogatories);
  2. to identify the persons that were parties to and witnesses of the act, event, occurrence or communication;
  3. to describe where and how it took place; and
  4. to identify any document that constitutes or refers to such act, event, occurrence or communication.
- K. To “identify” a file means:
1. to state the title contained thereon; and
  2. to identify the person for whom the file is maintained.
- L. To “identify” a statement means:
1. to identify who made it;
  2. to identify who took or recorded it;
  3. to identify all persons, if any, present during the making thereof;
  4. to state when, where and how it was taken or recorded; and
  5. to identify who has current or last known possession, custody or control thereof.
- M. To “identify” a document means:
1. to identify all files in which it and all copies are found;
  2. to identify its author
  3. to identify its addresses, if any;
  4. to identify those who received a copy thereof;
  5. to identify its current custodian or the person that had last known
  6. possession, custody or control thereof;
  7. to state the date of its preparation; and
  8. to state the general subject matter giving a reasonably detailed description thereof.
- L. To “identify” any other tangible things means:

1. to identify what it is, giving a reasonably detailed description thereof;
2. to state when, where and how it was made, if applicable;
3. to identify who made it, if applicable; and
4. to identify its current custodian or the person that had last known
5. possession, custody or control thereof.

N. “Communication” shall mean and include every manner or means of disclosure, transfer, or exchange, and every disclosure, transfer, or exchange of information, whether orally or by document or whether face-to-face, by telephone, mail, personal delivery, electronic or computer transmission, or otherwise.

O. “Statement” means and includes any written or graphic statement signed or otherwise adopted or approved by the user making it, any stenographic, mechanical, electrical or other recording or transcription thereof which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

P. “Describe in detail” means to give a complete and full description concerning the matter about which inquiry is made, including the full name, address and telephone number of persons involved, if appropriate, along with dates, times, places, amounts and other particulars which make the answer to the interrogatory fair and meaningful.

## INSTRUCTIONS

A. For purposes of interpreting or construing the scope of any Interrogatory made herein, the terms used shall be given their most expansive and inclusive interpretations unless otherwise specifically limited in the Interrogatory itself. This includes, without limitation, the following:

- (1) construing "and" as well as "or" in the disjunctive or conjunctive as necessary to make the Request more inclusive; and
- (2) construing the singular form of the word to include the plural and the plural form of the word to include the singular.

B. When answering any interrogatory and/or describing or identifying any matter, provide any dates and times of any occurrence, event or communication, or any dates and times that are related to the information that is requested. If an exact date is not known, provide any other information that is known to identify the date or approximate date, including references to any other event, occurrence or communication and the chronology, dates or approximate dates of such event, occurrence or communication.

C. You shall answer the interrogatories separately and fully under oath.

D. These interrogatories shall be signed by the person to whom they are directed, or if a party is other than an individual, then the answers of said party shall be signed under oath by an officer or agent of the same with the authority to do so.

E. You and your attorney are under a duty to supplement your answers to these interrogatories by amending your answers if you or your attorney obtains information upon the basis of which:

- (1) you or your attorney knows that the answer though incorrect or incomplete when made; or
- (2) you or your attorney knows that the answer though correct and complete when made is no longer true and complete and the circumstances are such that failure to amend the answer is in substance misleading.

## **INTERROGATORIES**

**INTERROGATORY NO. 1:** Identify the person or persons answering these Interrogatories or who contributed information used in answering these Interrogatories. If more than one person provided the answers or contributed such information, identify the specific Interrogatories answered by each person and the information provided.

**ANSWER:**

**INTERROGATORY NO. 2:** Identify each and every allegation in Plaintiff's First Amended Petition and Jury Demand filed in this lawsuit which you assert is false or inaccurate and specifically describe in detail all facts, proof, or evidence that you claim prove these allegations to be false or inaccurate, and identify the true or accurate facts which demonstrate or prove the falsity or inaccuracy of such allegations.

**ANSWER:**

**INTERROGATORY NO. 3:** If you have an insurance policy, contractual indemnity agreement, or any other agreement with a third party which could or would respond, in whole or in part, to the claims of any party to this lawsuit, (including, but not limited to, payment of attorneys fees) identify the name of each carrier, the limits of coverage for each carrier, and for each carrier, state whether the carrier has denied or admitted coverage or is defending under a non-waiver or reservation of rights.

**ANSWER:**

**INTERROGATORY NO. 4:** If you have ever talked to the Plaintiff or Plaintiff's co-workers, former co-workers, agents, servants, employees, friends, partners, or anyone who has or who may have knowledge of Plaintiff regarding Plaintiff's claims in this lawsuit or have any knowledge, either directly or indirectly, of any statement or admission of any kind made by Plaintiff or anyone acting on Plaintiff's behalf regarding Plaintiff's claims or any other fact that might be relevant to this lawsuit, describe in detail such statement and/or admission and identify who made the statement or admission, to whom it was made, and the date it was made.

**ANSWER:**

**INTERROGATORY NO. 5:** Describe in detail all facts, proof, or evidence which, in whole or in part, form the basis of any defense or affirmative defenses pled in this lawsuit.

**ANSWER:**

**INTERROGATORY NO. 6:** Identify each individual who participated in any manner in the decision to terminate Plaintiff including each individual Defendant consulted with and/or who provided information relating to the decision terminate Plaintiff and describe in detail the role of that person in the decision to terminate Plaintiff and/or the information provided by each individual.

**ANSWER:**



**INTERROGATORY NO. 7:** Identify any alleged grounds to impeach Defendant, including any evidence of prior bad acts, whether they be criminal or otherwise, identify the grounds for impeachment, any witness or other person with knowledge of relevant facts, and the date of the actions that form the basis for impeachment, and all evidence that supports your alleged grounds for impeachment.

**ANSWER:**

**INTERROGATORY NO. 8:** Please identify all evidence in the possession of Defendant tending to rebut or refuting such impeachment evidence which you intend to introduce at the trial of this case.

**ANSWER:**

**INTERROGATORY NO. 9:** Please identify any document and/or tangible thing containing relevant facts concerning the subject matter made the basis of this lawsuit and state whether it is still in existence or has been destroyed or eliminated. If destroyed or eliminated, please give a description of such document and/or tangible thing and identify why it was destroyed or eliminated, when, and by whom.

**ANSWER:**

**INTERROGATORY NO. 10:** With regard to any witness you may call as an expert witness at the trial of this lawsuit through live testimony or by deposition, identify the expert, and for each such expert, state the following:

- a. The subject matter on which the expert is expected to testify;
- b. The substance of the facts and opinions to which the expert is expected to testify;  
and
- c. A summary of the grounds for each and every one of the expert's opinions.

**ANSWER:**

**INTERROGATORY NO. 11:** Identify and describe in detail any comments, statements, reasons or explanations communicated by Defendant or Defendant's agent(s) or employee(s) to each Plaintiff regarding the decision to demote, terminate, revise job duties, and/or reduce the rate of pay each Plaintiff.

**ANSWER:**

**INTERROGATORY NO. 12:** Please state whether you have been involved in litigation of any kind, and if so please state allegations of said litigation, the style, cause number, court, county, and state of such suit and identify your attorneys.

**ANSWER:**