

NORTH CAROLINA
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
08 CVS 5569

ROCH SMITH, JR., and)
SAMUEL S. SPAGNOLA,)
Plaintiffs,)
vs.)
CITY OF GREENSBORO,)
Defendant.)

DEFENDANT'S RESPONSES TO
PLAINTIFFS' REQUEST FOR
PRODUCTION OF DOCUMENTS

Defendant City of Greensboro, pursuant to Rules 26 and 34 of the North Carolina Rules of Civil Procedure, hereby responds to Plaintiffs' Request for Production of Documents as follows:

1. All contracts and correspondence between the City of Greensboro and Risk Management Associates regarding the purpose and scope of the investigative report prepared by Risk Management Associates being sought by the Plaintiffs' in their Complaint filed on March 28, 2008.

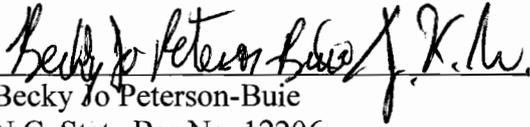
RESPONSE: See attached contract dated November 10, 2005 between the City of Greensboro and Risk Management Associates, Inc, and the contract amendment dated December 11, 2006 between the City of Greensboro and Risk Management Associates, Inc. See also the attached e-mails from Mike Longmire dated October 31, 2005 and November 1, 2005, and the letter from Michael R. Longmire dated November 11, 2005.

2. All correspondence from the State Bureau of Investigation received by the City regarding the public release of the "Black Book".

RESPONSE: See the attached e-mail from James Coman dated January 14, 2008.

This the 16th day of September, 2008.

GREENSBORO CITY
ATTORNEY'S OFFICE


Becky Jo Peterson-Buie
N.C. State Bar No. 12206
Acting City Attorney
Attorney for Defendant
City of Greensboro
P.O. Box 3136
Greensboro, NC 27402-3136
Telephone: (336) 373-2320
Fax: (336) 373-2078


Jamiah K. Waterman
N.C. State Bar No. 32984
Associate General Counsel
Attorney for Defendant
City of Greensboro
P.O. Box 3136
Greensboro, NC 27402-3136
Telephone: (336) 373-2320
Fax: (336) 373-2078

NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE

GUILFORD COUNTY

2008 SEP 16 PM 3:22

SUPERIOR COURT DIVISION

08 CVS 5569

GUILFORD COUNTY, N.C.

ROCH SMITH, JR., and
SAMUEL S. SPAGNOLA,
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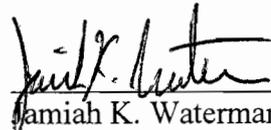
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Responses to Plaintiffs' Requests for Production of Documents was duly served upon counsel for Plaintiffs by depositing it in the United States mail, first-class postage prepaid, addressed as follows:

Samuel S. Spagnola
The Spagnola Law Firm, P.L.L.C.
100 South Elm Street, Suite 430
Greensboro, North Carolina 27401

This the 16th day of September, 2008.

GREENSBORO CITY
ATTORNEY'S OFFICE



Jamiah K. Waterman
N.C. State Bar No. 32984
Associate General Counsel
Attorney for Defendant
City of Greensboro
P.O. Box 3136
Greensboro, NC 27402-3136
Telephone: (336) 373-2320
Fax: (336) 373-2078

T-13300

**CONTRACT/AGREEMENT BETWEEN
THE CITY OF GREENSBORO, NORTH CAROLINA AND
RISK MANAGEMENT ASSOCIATES, INC.**

This contract/agreement, made and entered this ^{November} 10th day of ~~October~~ 2005, by and between the City of Greensboro, North Carolina (hereinafter called "City"), a municipal entity located in Guilford County, North Carolina; and Risk Management Associates, Inc. professional consultants (hereinafter called "Consultants").

Witnesseth

Whereas, recent events have increased the public scrutiny of the Greensboro Police Department; and

Whereas, the City Manager is desirous of maintaining the highest of public trust in all operations of the City; and

Whereas, to keep this trust, the City Manager wishes to have the performance and practices of the Police Department evaluated to ensure they are in compliance with all applicable laws, professional standards, best policing practices, the Department's own policies and practices as well as the City's; and

Whereas, RMA, Inc. has provided such consulting and evaluative analysis to other law enforcement agencies; and

Whereas, in addition to their consulting experience, Consultants have extensive experience in law enforcement service, management, and training; and

Whereas, the City Manager believes Consultants to be uniquely qualified to perform this review and evaluation.

Now therefore, the City agrees to contract with Consultants to perform an independent evaluation of the policies, procedures and practices of the Greensboro Police Department in accordance with the respective duties and responsibilities of each party as set forth below.

Scope of Service

The Consultants will review personal interviews, departmental documents, and any other resources provided to them by the City Attorney's Office. Following their review and analysis, the Consultants shall provide debriefings to the City Manager regarding their findings and written reports and summaries of their assessment thereafter.

Independent Contractor

It is understood and expressly agreed by the parties that Consultants are acting as independent contractors in performing the services herein. Consultants shall not make any statements, representations, or commitments of any kind, or to take any action which shall be binding upon the City of Greensboro, except as may be expressly provided for herein or authorized in writing.

Compensation

Compensation will be at a rate of one hundred forty dollars (\$140) per hour for all hours worked completing any and all obligations of this contract. Consultants agree to submit at the completion of this contract/agreement, an invoice of activity detailing services provided. Payment will be made within forty-five (45) business days upon receipt of the invoice from Consultants.

Termination

The City may terminate this agreement for convenience upon sixty (60) day written notice to Consultants.

Amendments

This contract/agreement shall not be modified or otherwise amended except in writing and signed by the parties involved.

This contract/agreement shall become effective upon execution and shall continue in full force and effect until satisfactory completion of the project.

Confidentiality & Non-disclosure

Consultants agree to hold all matters learned in this investigation confidential, which disclosure only in accord with the instructions of the City Manager or City Attorney.

Work Product & Intellectual Property

Consultants agree that all reports, analyzes, summaries and documents obtained, reviewed or created during this investigation become the property of the City and must be returned to the City if so requested.

Use of City as Client Reference

Consultants are prohibited from use the City as a reference or in its client list without the express written authorization of the City.

T-15115
file

THE AGREEMENT signed by the City of Greensboro and Risk Management Associates, Inc. on the 10th day of November, 2005, concerning consulting services is hereby AMENDED as follows: .

The City agrees to reimburse Consultant for the actual cost of expenses including but not limited to travel, lodging, copying, postage, and other related items.

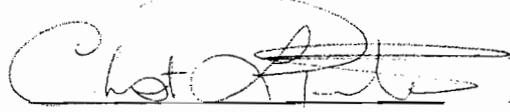
It is expressly agreed by the parties that this Agreement is supplemental to the Agreement of November 10, 2005, which is made a part by reference, and all terms, conditions, and provisions of the original contract, unless specifically modified, are to apply to this Agreement and are made a part of this Agreement as though expressly rewritten, incorporated, and included herein.

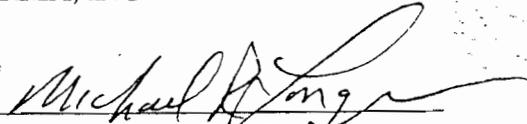
In the event of any conflict, inconsistency, or incongruity between the provisions of the amended Agreement and any of the provisions of the original Agreement of November 10, 2005, the provisions of the amended Agreement shall in all respects govern and control.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers, in triplicate originals, with the appropriate corporate seal affixed hereto, this the 11 day of December, 2006.

ATTEST:

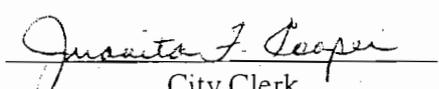
RMA, INC.

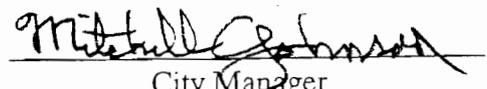

Secretary/Asst. Secretary


President/Vice President

ATTEST:

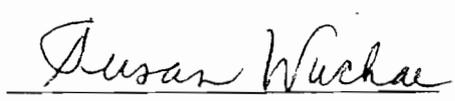
CITY OF GREENSBORO

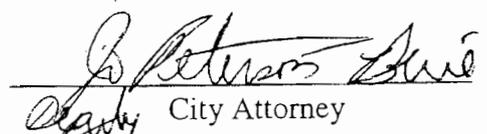

City Clerk
12-14-06


City Manager

(This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.)

Approved as to Form


Deputy Finance Officer


City Attorney



bcarr5@hotmail.com

Monday, November 2, 2005 5:40 AM

From : Mike Longmire <mlongmire@rmasecurity.com>
Sent : Monday, October 31, 2005 4:50 PM
To : <bcarr5@hotmail.com>
Subject : Update

Blair,

Thanks for the call today. I believe we are all on the same page. We see our role as facilitating your investigative efforts by taking a "critical" look at the process and as an advisor to you in your effort to get to the truth in this matter.

Our scope of work is defined as:

To review the documents and interviews provided by the client and:

1. Determine if appropriate investigative techniques/processes have been applied/followed.
2. To determine the thoroughness and completeness of the investigation to date.
3. To recommend "next steps" with regards to the investigative process (advisory role).
4. Given the information (facts and circumstances gathered to date) could a reasonable conclusion be made as to the following allegations (if so, what would our findings be):
 - a. Has the police chief been truthful? Is the veracity of the police chief an issue.
 - b. Has there been a "conspiracy" between the Chief and other managers to provide deceptive responses regarding the Hinson and/or other related matters.
 - c. Is there evidence to support an allegation that Hinson was the subject of an unwarranted (?) administrative/criminal investigation at the direction of the Chief.

I'll let you know asap about the transcripts.

Thanks,

Michael

Michael Longmire

<http://by104fd.bay104.hotmail.msn.com/cgi-bin/getmsg?curmbox=00000000%2d0000%2d...> 11/2/2005

...investigative results in their decision making process. We believe that would be helpful and useful as a guide for your boss to consider in evaluating the facts/circumstances gathered to date. We are available most any time Friday and after lunch on Monday for a road trip.....

November 11, 2005

City Attorney Linda Miles
Office of the City Attorney
219 N Church St
Greensboro, NC 27401

Ms. Miles,

On October 25, 2005, Risk Management Associates, Inc. was contacted by the City of Greensboro, North Carolina, City Attorney's Office to assist in an internal investigation currently being conducted by their office. RMA investigators traveled to Greensboro and met with Associate General Counselors Blair Carr and ToNola Brown-Bland to obtain background information on the investigation and to discuss and determine the scope of the services of RMA in this matter. RMA investigators were provided with copies of numerous interviews and documents related to the investigative efforts to date and a summary of the history of the case. Based upon this meeting, the following scope of services was developed and agreed upon:

- Review the documents and interviews provided by the client.
- Determine if appropriate investigative techniques/processes have been applied and followed.
- Determine the thoroughness and completeness of the investigation to date.
- Recommend "next steps" with regards to the investigative process (advisory role).
- Determine if a reasonable conclusion could be made as to the following allegations given the facts and circumstances gathered to date. If so, specify what our findings would be.
 1. Has the police chief been truthful? Is the veracity of the police chief an issue about which the City Manager should be concerned?
 2. Has there been a "conspiracy" between the Chief and other managers to provide deceptive responses regarding the Hinson matter and/or other related matters?
 3. Is there evidence to support an allegation that Hinson was the subject of an unwarranted administrative and/or criminal investigation at the direction of the Chief?

RMA investigators began the process of reviewing and evaluating the interviews and documents provided from the perspective of the scope of work agreed upon. After several days of independent review, the RMA team met to discuss their assessment of the investigation to date. Based upon this assessment, RMA came to a consensus that it would be necessary to meet with the client again to more clearly define the scope and to review our preliminary findings and recommendations. On November 3, 2005, RMA investigators met with the Greensboro City Attorney, Linda Miles, and Associate Counselors Carr and Brown-Bland. The following summarizes the information presented.

An investigation was defined as a systematic process of gathering and documenting facts and circumstances for the purpose of determining whether or not a particular event or events occurred. The investigative process attempts to determine the "Who, What, When, Where, Why, and How" of an event. It also assists decision makers in determining whether or not there is sufficient information to make reasonable conclusions regarding the assignment of responsibility and accountability for that event or events. In the investigative process, there are accepted investigative techniques that assist the investigator in the collection of those facts and circumstances. These techniques must follow accepted rules, guidelines, and legally binding procedures to ensure the rights of the people involved in the process. The investigation must be unbiased and investigators must be clear on knowing the difference between what he or she knows and what they think they know as they make investigative decisions and conclusions.

Commonly applied investigative techniques include, but are not limited to, interviewing and/or interrogating witnesses, suspects, and victims; gathering and analyzing relevant documents; developing and utilizing informants or other confidential sources with relevant information or access; surveillance; and the collection and analysis of physical evidence. The primary investigative techniques used in this investigation have been non-confrontational interviews, document review, and confidential source development.

Based upon our review of the case to date, RMA concluded that the appropriate investigative techniques have been utilized, and that there does not appear to be a bias towards any conclusions in the gathering of facts and circumstances by the City Attorney's Office. In most cases, as evidence is gathered, it is not uncommon for investigators to focus their efforts in a particular direction. Investigators must "run down leads", and getting to the bottom of things can some times be misinterpreted as irrelevant or unnecessary activities. In this case, the City Attorney's efforts to gather information related to the initial concerns expressed by a group of officers to the City Manager have opened the proverbial "can of worms". The investigators have strived to stay on task, however in order not to appear unconcerned about a newly aired complaint they have found it necessary to redirect their time to matters that could be better dealt with at the conclusion of this initial investigation.

Police Chief on June 17, 2005 that were designed to inform the City Manager.

- The Chief of Police either knew or should have known of the existence of and results of the 2004 Walton investigation/inquiry. This clear management

Allison VanLaningham

From: Martin Erwin
Sent: Monday, January 14, 2008 3:27 PM
To: Alan Duncan; Allison VanLaningham; linda.miles@ci.greensboro.nc.us
Subject: FW: Phone conversation of January 10, 2008

From: Coman, James [mailto:Jcoman@ncdoj.gov]
Sent: Monday, January 14, 2008 3:14 PM
To: Martin Erwin
Subject: Phone conversation of January 10, 2008

As a follow-up to our phone conversation of Thursday, January 10, 2008, I want to make it clear that I have received phone calls from two members of the present Greensboro City Council reference their interest in wanting to see the so-called "black book." Both conversations were extremely professional and cordial. It was my understanding that if I agreed it would be during a closed session of council with their attorneys. I declined to make the "black book" available because the original is in the possession of the SBI and is intended to be used as evidence at the criminal trial of at least one of the defendants. I explained this to both of them with the caveat that if that or some other item now held as evidence was needed by the attorneys representing the City in a legal action, I would consider making the item available with proper safeguards for the court proceeding. I made it clear I thought that I had always tried to cooperate with the City if they needed something in order to defend themselves in a legal action by either providing the materials or filing an affidavit with the court on the City's behalf. When the Attorney General's Office and the SBI undertook this investigation on June 9, 2006, I spoke with the City Manager, the City Attorney and the leadership of the Greensboro Police Department and asked them not to release information or items of potential evidence into the public domain that could compromise the investigation or jeopardize the rights of those being investigated. I reiterated the importance of this request on two occasions: one was after the release of the RMA report; the second, was after the Grand Jury handed down indictments. To my knowledge they have complied with my request and apparently have been criticized in some circles for complying with my request not to release anything that would be harmful to the rights of the accused or could hurt the investigation. This case is proof of how difficult it is to protect the rights of the accused and to keep the city leaders and the public informed. I hope this clarifies my concern that the right to a fair trial and a fair investigation trumps any concerns other than to ensure fairness to those under investigation. If you need any additional clarification, please let me know. Jim

1/14/2008

NORTH CAROLINA
GUILFORD COUNTY

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08 CVS 5569

ROCH SMITH, JR., and)
SAMUEL S. SPAGNOLA,)
Plaintiffs,)
)
vs.)
)
CITY OF GREENSBORO,)
Defendant.)

DEFENDANT'S ANSWERS TO
PLAINTIFFS' FIRST SET OF
INTERROGATORIES

Defendant City of Greensboro, pursuant to Rules 26 and 33 of the North Carolina Rules of Civil Procedure, hereby answers the Plaintiffs' First Set of Interrogatories as follows:

Defendant objects to plaintiffs' opening paragraph and "Definitions" and any instructions to the extent they seek to impose obligations not imposed by the North Carolina Rules of Civil Procedure and to the extent that they seek materials protected as work product or by the attorney-client privilege. These responses are made without reference or regard to the introduction, "Definitions" or any instructions.

1. State the identity of all persons known who can testify or have information to support the allegation in Paragraph 16 of the Defendant's Answer that the Risk Management Associates (RMA) investigative report is a personnel record as defined by N.C.G.S. § 160A-168.

ANSWER: The defendant objects to this Interrogatory on the grounds that the information sought is overly broad and unduly burdensome. Furthermore, the defendant objects to this Interrogatory on the grounds that it is irrelevant and immaterial and is not reasonably calculated to lead to the discovery of admissible evidence. In addition, to the extent this Interrogatory calls for a conclusion of law or witnesses to testify about a legal issue, the defendant objects on the ground that it is irrelevant, immaterial and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, the defendant has not made a determination regarding witnesses to call to testify. The information on witnesses to testify will be provided once witnesses are determined.

2. State the identity of all persons employed by Risk Management Associates who participated in the research and preparation of the investigative report prepared by RMA.

ANSWER: Based on information and belief, the following employees of RMA participated in the research and preparation of the RMA Report:

**Wayne Truax
Brian Flannery
Michael Longmire
Reece Trimmer (deceased)
Tasha Dyson
Michelle Hill
Rusty Gilmore**

3. Identify all current or former personnel of the City of Greensboro for whom you are claiming that the RMA investigative report contains protected personnel information not subject to disclosure pursuant to N.C.G.S. § 161A-168.

ANSWER: The defendant objects to this Interrogatory on the grounds that the information requested is privileged and confidential pursuant to North Carolina General Statutes §160A-168.

4. State the identity of all persons from the State Bureau of Investigation (SBI) who informed you that they were “not willing for the book to be released to the public” as alleged in Paragraph 19 of the Defendant’s answer.

ANSWER: Based on information and belief, the defendant does not know the identity of persons with the SBI that are not willing for the book to be released. James Coman, Senior Deputy Attorney General, in an e-mail dated January 14, 2008 indicated the book in question should not be released.

5. State the dates of all interviews conducted by RMA and the identity of all current or former City of Greensboro employees present during those interviews.

ANSWER: Based on information and belief, the dates of the interviews conducted by RMA were November 16, 2005, November 22, 2005, November 29, 2005 and January 17, 2006. The defendant objects to this Interrogatory relative to the identity of all current or former City of Greensboro employees present during interviews conducted by RMA on the grounds that the information requested is privileged and confidential pursuant to North Carolina General Statutes § 160A-168.

6. State the identity of all persons known who can testify or have information to support the allegation in the “Third Defense” of the Defendant’s Answer that the “Black Book” requested by the Plaintiffs is a photo array or record compiled for the purpose of solving a violation of the law.

ANSWER: The defendant objects to this Interrogatory on the grounds that the information requested is privileged and confidential pursuant to North Carolina General Statutes §160A-168.

7. State the identity of the individual employee(s) of the City of Greensboro who “compiled” the “Black Book” for the purpose of solving a violation of the law.

ANSWER: The defendant objects to this Interrogatory on the grounds that the information requested is privileged and confidential pursuant to North Carolina General Statutes §160A-168.

8. Identify all current or former personnel of the City of Greensboro for whom you are claiming that the “Black Book” contains protected personnel information not subject to disclosure pursuant to N.C.G.S. § 161A-168.

ANSWER: The defendant objects to this Interrogatory on the grounds that the information requested is privileged and confidential pursuant to North Carolina General Statutes §160A-168.

9. State the nature of the violation of the law for which the “Black Book” was compiled to solve or prevent.

ANSWER: Based on information and belief, the “Black Book” requested by the Plaintiffs and in possession of the State Bureau of Investigations is a photo array or record purportedly compiled for the purpose of solving an alleged sexual assault.

10. State whether there are any documents or recordings in the possession of the City that indicate any other use of the “Black Book” other than to solve or prevent a violation of the law.

ANSWER: Based on information and belief, the City of Greensboro is not aware of any documents or recordings in the possession of the City that indicate any other use of the photo array, an original of which is currently in possession of the State Bureau of Investigations, other than to purportedly solve or prevent an alleged violation of the law.

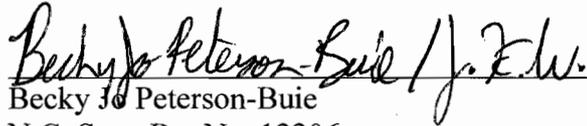
11. State the identity of all current or former City personnel who have knowledge or may have knowledge that the “Black Book” was used in any other manner other than to solve or prevent a violation of the law.

ANSWER: The defendant objects to this Interrogatory on the grounds that the information sought is overly broad and unduly burdensome. Furthermore, the defendant objects to this Interrogatory on the grounds that it is irrelevant and immaterial and is not reasonably calculated to lead to the discovery of admissible evidence. Finally, the defendant objects to this Interrogatory on the grounds that

the information requested is privileged and confidential pursuant to North Carolina General Statutes §160A-168.

This the 16th day of September, 2008.

GREENSBORO CITY
ATTORNEY'S OFFICE



Becky Jo Peterson-Buie
N.C. State Bar No. 12206
Acting City Attorney
Attorney for Defendant
City of Greensboro
P.O. Box 3136
Greensboro, NC 27402-3136
Telephone: (336) 373-2320
Fax: (336) 373-2078



Jamiah K. Waterman
N.C. State Bar No. 32984
Associate General Counsel
Attorney for Defendant
City of Greensboro
P.O. Box 3136
Greensboro, NC 27402-3136
Telephone: (336) 373-2320
Fax: (336) 373-2078

NORTH CAROLINA

VERIFICATION

GUILFORD COUNTY

Mitchell E. Johnson, being first duly sworn, deposes and says:

I am the City Manager for the City of Greensboro, and I am authorized to make this verification on behalf of the City of Greensboro. I have read the foregoing Answers to Plaintiffs' First Set of Interrogatories, and know the contents thereof to be true of my own knowledge, except for those matters and things stated therein upon information and belief, and as to those things, I believe them to be true.

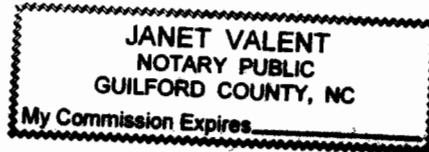


Mitchell E. Johnson, Affiant

Sworn to and subscribed before me,
this 16th day of September, 2008.



Notary Public Janet Valent
Printed Name: Janet Valent



My commission expires: 11-23-2009

FILED

NORTH CAROLINA

GUILFORD COUNTY

2008 SEP 16 PM 3:22
GUILFORD COUNTY, N.C.S.C.

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DEFENDANT'S ANSWERS TO
PLAINTIFFS' FIRST SET OF
INTERROGATORIES

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Answers to Plaintiffs' First Set of Interrogatories was duly served upon counsel for Plaintiffs by depositing it in the United States mail, first-class postage prepaid, addressed as follows:

Samuel S. Spagnola
The Spagnola Law Firm, P.L.L.C.
100 South Elm Street, Suite 430
Greensboro, North Carolina 27401

This the 16th day of September, 2008.

GREENSBORO CITY
ATTORNEY'S OFFICE



Jamiah K. Waterman
N.C. State Bar No. 32984
Associate General Counsel
Attorney for Defendant
City of Greensboro
P.O. Box 3136
Greensboro, NC 27402-3136
Telephone: (336) 373-2320
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vs.)
CITY OF GREENSBORO,)
Defendant.)

DEFENDANT'S RESPONSES
TO PLAINTIFFS' REQUEST
FOR ADMISSIONS

Defendant City of Greensboro, by and through counsel, pursuant to Rules 26 and 36 of the North Carolina Rules of Civil Procedure, hereby responds to the Plaintiffs' Request for Admissions as follows:

Defendant objects to plaintiffs' opening paragraph and "Definitions" and any instructions to the extent they seek to impose obligations not imposed by the North Carolina Rules of Civil Procedure and to the extent that they seek materials protected as work product or by the attorney-client privilege. These responses are made without reference or regard to the introduction, "Definitions" or any instructions.

1. Admit that you have not provided any of the information requested by the Plaintiffs' in Paragraph 21 of the Plaintiffs' Complaint regarding the accreditation of the Greensboro Police Department possibly being in jeopardy under the tenure of David Wray.

RESPONSE: Denied. Based on information and belief, paragraph 21 of the Plaintiffs' Complaint did not request information regarding the accreditation of the Greensboro Police Department. Further, the City of Greensboro is not aware that its Police Department's accreditation was ever in jeopardy.

2. Admit that you have not provided the Plaintiffs' with any explanation for your failure to provide any such information in the previous question nor cited any legal basis for refusing to provide the Plaintiffs with said information.

RESPONSE: Denied as stated. It is admitted that based on information and belief, paragraph 21 of the Plaintiffs' Complaint did not request information regarding the accreditation of the Greensboro Police Department. Further, the City of Greensboro is not aware that its Police Department's accreditation was ever in jeopardy.

3. Admit that you have not provided the Plaintiffs' with a file containing information regarding Project Homestead that was reported to have been removed from former Police Chief David Wray's office by city officials.

RESPONSE: Denied as stated. It is admitted that based on information and belief, the City of Greensboro is not aware of what file if any was removed from former Police Chief David Wray's office. The City of Greensboro provided documentation it had concerning Project Homestead in response to the Plaintiffs' public records request.

4. Admit that you have not provided the Plaintiffs with any explanation for your failure to provide any such information in the previous question nor cited any legal basis for refusing to provide the Plaintiffs with said information.

RESPONSE: Denied as stated. It is admitted that based on information and belief, the City of Greensboro is not aware of what file if any was removed from former Police Chief David Wray's office. The City of Greensboro provided documentation it had concerning Project Homestead in response to the Plaintiffs' public records request.

5. Admit that you have not provided the Plaintiffs with any notes, reports, document and correspondence in any form regarding a polygraph taken by eight City Council members and administered by Risk Management Associates.

RESPONSE: The City of Greensboro has no such public record.

6. Admit that you have not provided the Plaintiffs with any explanation for your failure to provide any such information in the previous question, nor cited any legal basis for refusing to provide the Plaintiffs with said information.

RESPONSE: Denied. Based on information and belief, the Plaintiffs were informed orally the City of Greensboro has no such public record.

7. Admit that you have not provided the Plaintiffs with any minutes, notes, transcripts, list of attendees and recordings in any form regarding and related to a public meeting between City staff and members of the community held at Genesis Baptist Church on or about April 20, 2006.

RESPONSE: It is admitted that the City of Greensboro did not have any public records to provide to the Plaintiffs in response to their public records request.

8. Admit that you have not provided the Plaintiffs with any explanation for your failure to provide any such information in the previous questions, nor cited any legal basis for refusing to provide the Plaintiffs with said information.

RESPONSE: Denied.

9. Admit that you have not provided the Plaintiffs with all correspondence, notes, documents, transcripts and recordings between the City legal staff and any party that are more than three years old.

RESPONSE: Denied. The Plaintiff Samuel S. Spagnola, was informed in a letter dated December 4, 2007 that “you have asked for items in the possession of the legal department that are older than three years. We assume that the three-year reference is intended to invoke the provisions of section 132-1.1(a). That section applies to written communications received by public boards, councils, commissions and government bodies from legal counsel. We do not understand that provision to mean that all documents in the possession of a city legal department automatically become subject to public disclosure after the passage of three years. Certainly the legal department has some documents that are public records and such documents will be provided to the extent they are responsive to your requests”. Based on information and belief, the City of Greensboro provided all such public records to the Plaintiffs in the possession of the legal department that were older than three years.

10. Admit that you have not provided the Plaintiffs with any explanation for your failure to provide any such information in the previous question, nor cited any legal basis for refusing to provide the Plaintiffs with said information.

RESPONSE: Denied. The Plaintiff Samuel S. Spagnola, was informed in a letter dated December 4, 2007 that “you have asked for items in the possession of the legal department that are older than three years. We assume that the three-year reference is intended to invoke the provisions of section 132-1.1(a). That section applies to written communications received by public boards, councils, commissions and government bodies from legal counsel. We do not understand that provision to mean that all documents in the possession of a city legal department automatically become subject to public disclosure after the passage of three years. Certainly the legal department has some documents that are public records and such documents will be provided to the extent they are responsive to your requests”. Based on information and belief, the City of Greensboro provided all such public records to the Plaintiffs in the possession of the legal department that were older than three years.

11. Admit that the “Black Book” was compiled for the purpose of solving or preventing a possible violation of the law.

RESPONSE: It is admitted that the “Black Book” requested by the Plaintiffs is a photo array or record compiled for the purpose of solving a violation of law.

12. Admit that there was no other use of the “Black Book” by any current or former personnel other than to solve or prevent a possible violation of the law.

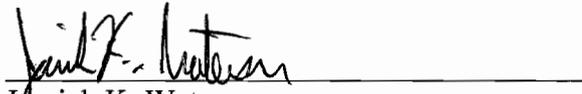
RESPONSE: The City of Greensboro objects on the grounds that the information requested is privileged and confidential pursuant to North Carolina General Statutes § 160A-168.

This the 16th day of September, 2008.

GREENSBORO CITY
ATTORNEY'S OFFICE



Becky Jo Peterson-Buie
N.C. State Bar No. 12206
Acting City Attorney
Attorney for Defendant
City of Greensboro
P.O. Box 3136
Greensboro, NC 27402-3136
Telephone: (336) 373-2320
Fax: (336) 373-2078



Jamiah K. Waterman
N.C. State Bar No. 32984
Associate General Counsel
Attorney for Defendant
City of Greensboro
P.O. Box 3136
Greensboro, NC 27402-3136
Telephone: (336) 373-2320
Fax: (336) 373-2078

