

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO**

Case No. CV-2006-06834

**JOHNNY AGUILAR, ANTHONY P. CHAVEZ,
YVONNE DOUGHERTY, GREG MONTOYA,
VIRGINIA RAMIREZ, JOHN SANCHEZ,
and OTHER SIMILARLY SITUATED
CITY EMPLOYEES,**

Plaintiffs,

vs.

**CITY OF ALBUQUERQUE, and
MAYOR MARTIN CHÁVEZ,**

Defendants.

FIRST SET OF INTERROGATORIES

_____ To: **CITY OF ALBUQUERQUE**
c/o its Attorney, Michael I. Garcia
Assistant City Attorney

_____ Pursuant to Rule 1-033, New Mexico Rules of Civil Procedure, Plaintiffs present the following Interrogatories to the **CITY OF ALBUQUERQUE**, Defendant in the above-captioned case, to be answered within 30 days by an officer or agent of the City who shall furnish such information in response as is available to the City. Each interrogatory shall be answered separately and fully in writing under oath, unless objected to, in which event the reasons for objection shall be stated in lieu of an answer.

Definitions:

- a. “*Identify*” a document, record, report, memo, communication, or correspondence means provide the name(s) of the person(s) who wrote it, the date, and the subject or a summary of the contents.
- b. “*Identify*” a person, employee, or official means provide the name, department, position of employment, telephone number, e-mail address, or, if not a City employee, name, address, telephone number, e-mail address, and sufficient other information to locate the person.

INTERROGATORY NO. 1. Please identify each person(s) answering or assisting in answering each and any of the Interrogatories below, providing each such person’s knowledge of the facts and allegations of this lawsuit and the City’s defenses to the lawsuit. Please specify which of the following Interrogatories that person answered or assisted in answering. If computer records or data are used to respond to any of the following interrogatories, please specify the interrogatory, identify the person(s) accessing the records or data base, state the search terms or words used, if any, and state the length of time and expense of securing the response.

RESPONSE:

INTERROGATORY NO. 2. Please identify each and every City vehicle that allegedly violated the City's Safe Traffic Operations Program (STOP) Ordinance. For each such vehicle, please give the date, time, and location of each such violation, describe the violation, state the type of vehicle, give the license plate number, and identify the person believed to have been driving.

RESPONSE:

INTERROGATORY NO. 3. Please identify each and every City employee or former employee who has allegedly violated the City's Safe Traffic Operations Program (STOP) Ordinance while driving a City vehicle. For each such person, please identify the City vehicle and give the date, location, and type (red light, speed, turn, or other) of each such violation. _____

RESPONSE:

INTERROGATORY NO. 4. With respect to each City vehicle and/or City driver identified in responses to the prior interrogatories, please state the date and amount of penalty assessed for the violation and, if no penalty was assessed, please state why not.

RESPONSE:

INTERROGATORY NO. 5. Please list by month and department or division from the initiation of the STOP Ordinance, the number and type(s) of STOP Ordinance violations by drivers of City vehicles.

RESPONSE:

INTERROGATORY NO. 6. Please identify any City employees or former-employees who violated the STOP Ordinance during their City work hours while driving their own vehicles or other non-City vehicles.

RESPONSE:

INTERROGATORY NO. 7. For each City vehicle alleged to have violated the City's STOP Ordinance since the inception of the Ordinance, please provide a detailed description of all efforts, proceedings, or attempts to abate the public nuisance as defined in the Ordinance.

 RESPONSE:

INTERROGATORY NO. 8. Please identify and list any and all City employees and former employees whose pay was docked or otherwise reduced as a result of any alleged violation(s) of the City's STOP Ordinance, including for each the date of the alleged violation of the Ordinance and the date and amount taken from the employee's pay.

RESPONSE:

INTERROGATORY NO. 9. Please identify and list any and all City employees and former employees who were fined, admonished, or disciplined in any way (other than docking or reducing pay) as a result of any alleged violation(s) of the City's STOP Ordinance, including for each the date of the alleged violation of the Ordinance and the date, type, and amount (if applicable) of the fine, admonishment, or discipline.

RESPONSE:

INTERROGATORY NO. 10. Please identify each and every employee or official acting to enforce STOP Ordinance fines or penalties against any City employee driving a City vehicle at the time of the alleged infraction. For each such employee or official, please state the department or division, identify any applicable City policy or rule, and describe the action taken by that person.

RESPONSE:

INTERROGATORY NO. 11. For each City employee whose pay was docked or reduced for violation of the City's STOP Ordinance while driving a City vehicle, please identify the person(s) docking or reducing the pay, identify the person(s) authorizing the docking or reducing of pay, state the authority or policy allowing that action, and give the date(s) and amount(s) the pay was docked or reduced.

RESPONSE:

INTERROGATORY NO. 12. Please describe the City's policies concerning STOP Ordinance violations by City vehicles and/or City drivers, stating both City-wide policy and department or division policies including dates and identification of person(s) responsible for promulgating, applying, and/or enforcing any such policies.

RESPONSE:

INTERROGATORY NO. 13. Please identify by department and division the number and type of City vehicles as of July 1, 2006.

RESPONSE:

INTERROGATORY NO. 14. Please identify and specify, by Department, division and job description, the number of City employees required to hold City Operator's Permits (COPs) as of July 1, 2006.

RESPONSE:

INTERROGATORY NO. 15. Please state whether alleged infractions of the City's STOP Ordinance affect employees' City Operator's Permits and, if so, please state how infractions are documented and how they affect the employees' driving record and, if not, please state why not.

RESPONSE:

INTERROGATORY NO. 16. Please identify any City employee or former employee who has been given a refund, credit, or other return or restitution of any STOP Ordinance fine, penalty, or loss of pay. For each such person, please state the date, amount, and person responsible for the return, refund, or credit.

RESPONSE:

INTERROGATORY NO. 17. Please identify any City vehicle, employee or former employee for which or for whom a STOP Ordinance was stated or noticed but for which the STOP Ordinance violation and/or fine was waived, dismissed, or otherwise discharged without payment. Please include for each the date, location, and type of the violation, the date of the notice and amount of the fine, and the date and amount of fine that was waived, dismissed or otherwise discharged without payment and identification of the person authorizing the waiver, dismissal or discharge.

RESPONSE:

INTERROGATORY NO. 18. Please identify any City vehicle, employee or former employee for which or for whom a STOP Ordinance was paid by the City or any of its departments, divisions, or officials. Please include for each the date, location, and type of the violation, the date of the notice and amount of the fine, and the date and amount of payment and identification of the person authorizing the payment.

RESPONSE:

INTERROGATORY NO. 19. Please describe the City's present and past policies and practices allowing (or not allowing) a hearing or other opportunity for an employee to contest or challenge an alleged STOP Ordinance violation while driving a City vehicle.

RESPONSE:

INTERROGATORY NO. 20. For each month since the inception of the City's STOP Ordinance to the present, please state the gross revenue received from violations of the Ordinance, state the gross amount received from or assessed against drivers of City vehicles, and state the net amount retained by the City from each such category.

RESPONSE:

INTERROGATORY NO. 21. Please describe the City's plan or proposed practice or policy concerning violations of the City's STOP Ordinance while driving City vehicles in the future. Please describe the City's plan(s) or future policy or practice(s) in as much detail as possible, including identification of proponents or opponents of any such plan, policy, or practice.

RESPONSE:

Respectfully submitted,

Paul Livingston
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