

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

DAVID SABEL, et al.,	)	
	)	
Plaintiffs.	)	Case No. 3:97CV-02022 RNC
	)	
v.	)	PLAINTIFFS' FIRST REQUEST
	)	FOR PRODUCTION OF
DANBURY PUBLIC SCHOOL DISTRICT,	)	DOCUMENTS
et al.,	)	
	)	
Defendants.	)	
	)	

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PROPONENT: Plaintiffs

RESPONDENTS: Defendant Danbury Public School District

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, named Plaintiffs David Sabel and Ralene Petrovic, on behalf of their minor daughters and all those similarly situated ("Plaintiffs"), hereby requests that defendant Danbury Public School District ("Danbury" or "Defendants") produce for inspection and photocopying within thirty (30) days of the date of service hereof, each of the documents and other things described in the following requests.

**INSTRUCTIONS**

Plaintiffs designate the offices of its counsel as a reasonable place for production:

Kristen M. Galles, Esq.  
Equity Legal  
10 Rosecrest Avenue  
Alexandria, VA 22301

Plaintiffs further request that Defendants serve a written

response to each request herein within thirty (30) days of the date of service hereof. If Defendants object to any request herein, then Defendants must specify the objection with particularity.

Defendants are under a duty to seasonably supplement and amend their responses with respect to any requests made herein.

With respect to information or documents as to which Defendants may claim privilege or work product, Defendants are requested to identify each such document in writing on or before the date of the production set forth herein. Such identification shall include the following information (1) the nature, date, subject matter, and author of the document; (2) the identity of all persons to whom the document was directed, addressed, or received; and (3) the paragraphs of the discovery requests to which the document corresponds. For each such document, Defendants are further required to state the basis for your claim of privilege or work product.

If the requested document cannot or will not be produced in full, Defendants are requested to produce it to the extent possible and to specify the reason for the inability or refusal to produce the remainder. If only a portion of a requested document is privileged, then the non-privileged portion shall be produced and Defendants must specify the reason for the failure to produce the remainder of the document.

All requests are for the time period from August, 1992, through the present and going forward, unless otherwise

indicated.

#### DEFINITIONS

The following definitions shall apply to each request set forth herein:

A. "Person" includes natural persons, corporations, firms, partnerships, proprietorships, associations, limited liability corporations or partnerships, professional corporations, and any other organization or entity.

B. "You," "Your," and "Defendant(s)" include the defendant to whom this Request for Production is directed, together with any of their agents, employees, representatives, faculty, administrators, investigators, attorneys, or any other persons who are in possession of or who may have obtained information for Defendants or on Defendants' behalf, and any other persons known by them to be acting or purporting to act for Defendants or on Defendants' behalf.

C. "Document" means the full scope of documents and things discoverable under the Federal Rules of Civil Procedure and is used herein in its broadest sense to include, without limitation, electronic mail, computer and electronic mail records or tapes, voicemail conversations and messages, books, statements of account, letters, notes, memoranda, medical charts or reports, printed forms, reports, communications (interoffice, intraoffice, or otherwise), correspondence, papers, cablegrams, mailgrams, telegrams, radiograms, films, maps, statistical compilations, summaries, minutes, records, lists, contracts and agreements,

sound recordings and transcriptions (including telephone conversations, personal conversations, interviews, meetings, conferences, facts, conclusions, impressions, and things similar to the foregoing), manuals, publications, booklets, diaries, telexes, facsimiles, engineering reports, notebooks, plats, plans, sketches, summaries of investigations, brochures, surveys, opinions and reports (of expert witnesses, consultants, trainers, etc.), projections, advertisements, requests for proposals, invitations, invoices, checks, bills, payments, circulars, trade letters, press releases, financial statements, bank statements, promissory notes, receipts, resumes, cancelled checks, computer printouts, computer disks or tapes, opinions of counsel, corporate records, minutes of any meetings, calendars, appointment books, diary entries and notes, pamphlets, evaluations, reviews, charts, drawings, catalogs, photographs, logs, applications, ledger sheets, vouchers, studies, statements, and all other writings of any kind, however produced or reproduced, including all non-identical copies of such writings, whether printed, typed, recorded, filmed, stored in a computer format, written, produced by hand or by any other process, and whether an original, master, duplicate, or copy, in whatever form and however and by whomever made. All requests for documents shall include all drafts, redlines, and other forms of such documents requested.

D. Documents "relating to" or which "relate to" means all documents which in any way (directly or indirectly) embody,

evidence, support, concern, refer to, relate, disclose, confirm, describe, or represent the subject addressed.

E. "Communication" means any contact between any two or more persons or entities and shall include, but not be limited to, written contacts by such means as letters, memoranda, notes, e-mail, and reports and oral contacts by such means as face-to-face meetings and telephone conversations.

F. "School" refers to Danbury High School.

G. "Complaint" means the complaint filed by Plaintiffs in the above-captioned action.

H. "OCR" means the Office of Civil Rights of the United States Department of Education.

I. Unless otherwise indicated, all requests refer to "home" athletic facilities and not those of Defendant's athletic opponents.

#### **REQUEST FOR PRODUCTION OF DOCUMENTS**

1. All documents relating to gender discrimination grievance policies, procedures, or manuals for students, faculty, administrators, or employees of Defendant, including those relating to Title IX.

2. All documents relating to any complaints or comments (formal or informal) made by any Person(s) regarding Title IX, unequal athletic participation opportunities, or unequal treatment in Defendant's athletic programs.

3. All documents relating to any internal, administrative, or other investigations undertaken by Defendant regarding its

compliance with Title IX.

4. All documents relating to Defendant's procedures, practices, or policies for handling complaints of discrimination, including Title IX complaints.

5. All documents relating to the identity and/or number of students who participated on each athletic team at Defendant from the 1990-1991 school year through the present.

6. All documents provided to any athletic conference or state athletic association relating to the identity and/or eligibility of athletes at Defendant.

7. All documents relating to the number of students enrolled at Defendant (including those broken down by gender and grade) from the 1990-1991 school year through the present.

8. All documents relating to any request that Defendant sponsor a sport.

9. All documents relating to any response or action taken by Defendant in response to a request that it sponsor a sport.

10. All documents relating to any request that Defendant sponsor new athletic teams (e.g., junior varsity or freshman) for existing sports.

11. All documents relating to any response or action taken by Defendant in response to a request that it sponsor a new athletic team.

12. All documents relating to any criteria that Defendant uses when deciding whether to sponsor a new sport or new athletic team.

13. All documents relating to the School's decision not to sponsor lacrosse.
14. All documents relating to the School's decision to sponsor boys' volleyball.
15. All documents relating to the number and/or identity of Connecticut schools that sponsor boys' lacrosse, girls' lacrosse, and/or boys' volleyball.
16. All documents relating to the decision to add a sport at Defendant since the passage of Title IX in 1972.
17. All documents relating to any assessment of the interests of Defendant's female students in participating in interscholastic athletics.
18. All documents relating to the chain of command or organizational structure of Defendant's athletic program, including the Person(s) ultimately responsible for its administration.
19. All documents relating to the athletic budgets for any athletic team at Defendant from the 1990-91 school year through the present.
20. All documents relating to the athletic budgeting process at Defendant.
21. All documents relating to any request by any coach of any athletic team at Defendant for the purchase or replacement of uniforms from the 1990-91 school year through the present.
22. All documents relating to the purchase of uniforms for any athletic team at Defendant from the 1990-1991 school year

through the present.

23. All documents relating to any request by any coach of any athletic team at Defendant for the purchase or replacement of equipment from the 1990-1991 school year through the present.

24. All documents relating to the purchase of equipment for any athletic team at Defendant from the 1990-91 school year through the present.

25. All documents relating to any policy, practice, or custom which Defendant has or which it follows regarding the purchase or replacement of athletic uniforms and/or equipment.

26. All documents relating to the athletic competition schedules of each athletic team at Defendant from the 1990-91 school year through the present.

27. All documents relating to the practice schedules of each athletic team at Defendant from the 1990-91 school year through the present.

28. All documents relating to the start times of practices and/or competitions for Defendant's athletic teams.

29. All documents relating to the days of the week of competitions for Defendant's athletic teams.

30. All documents relating to any attempt by Defendant(s) to arrange with an opponent to schedule a girls' athletic event on a prime day or night (i.e., the night before a weekend or no-school holiday or the day of a weekend or no-school holiday).

31. All documents relating to any attempt by Defendant(s) to arrange with an opponent to schedule a girls' athletic event



32. All documents relating to the responsibilities of any employee or agent of Defendant regarding its athletic program.
33. All documents relating to the identity of coaches of Defendant's athletic teams.
34. All documents relating to the policies or process by which Defendant hires coaches for its athletic teams.
35. All documents relating to the recruitment or hiring of any coach for a Defendant athletic team.
36. All documents relating to the recruitment or use of volunteer coaches for any Defendant athletic team.
37. All documents relating to the coaching experience of any coach of a Defendant athletic team.
38. All documents relating to the salary or wage received by any coach of a Defendant athletic team.
39. All documents relating to the salary or wage schedule for Defendant's athletic coaches.
40. All documents relating to the gender of the coach of a Defendant athletic team.
41. All documents relating to the architectural plans and/or location of any athletic or locker room facility used by Defendant athletic teams.
42. All documents relating to the allocation of athletic facilities for practice or competition, including decisions regarding such allocation, from the 1990-91 school year through the present.

43. All documents relating to any complaint made regarding the allocation of athletic facilities at Defendant.

44. All documents relating to the allocation of practice time to Defendant athletic teams.

45. All documents relating to the sharing of athletic facilities by Defendant athletic teams.

46. All documents relating to the amenities available at each athletic facility at which Defendant's athletes practice or compete (e.g., water fountains, restrooms, bleachers, storage).

47. All documents relating to the maintenance and safety of facilities used by Defendant's athletic teams.

48. All documents relating to the locker room facilities available to Defendant's athletes.

49. All documents relating to the improvement or renovation of any athletic or locker facility used by Defendant athletes since the 1990-1991 school year.

50. All documents relating to any planned or contemplated improvement or renovation of any athletic or locker facility used by Defendant athletes.

51. All documents relating to any complaints about opponent athletic facilities, including the assignment of inferior facilities to female teams and any response(s) by Defendant to such complaints

52. All documents relating to the modes of transportation used by Defendant athletic teams.

53. All documents relating to Defendant's policies relating to the assignment of transportation for its athletic teams.

54. All documents relating to the transportation provided to athletic teams for practices at off-campus facilities.

55. All documents relating to the availability and use of weight training facilities and coaching at Defendant, including the location of such facilities.

56. All documents relating to the athletic teams that regularly use Defendant's weight training facilities.

57. All documents relating to the medical and training facilities and services (e.g., trainers, whirlpools, ice machines) provided to Defendant athletic teams (including the location of any such items and the schedules of their use/availability).

58. All documents relating to the publicity (as defined and set forth in the OCR's 1979 Policy Interpretation) provided to/for Defendant's athletic teams for each year since 1990-91. (The OCR items include: (a) cheerleaders; (b) dance or drill team; (c) pep band; (d) pep rally; (e) electronic scoreboards; (f) public address system and announcers; (g) video taping; (h) programs; and (i) coverage).

59. All documents relating to any booster club of any of Defendant's athletic teams, including the allocation of funds or items by such booster club(s).

60. All documents relating to the identity of booster club officers or others who decide the allocation of booster club

resources.

61. All documents relating to any fundraisers held for the benefit of any Defendant athletic team.

62. All documents relating to the participation of any Defendant employee in any athletic fundraiser.

63. All documents relating to the participation by any Defendant employee (including the individual defendants) in the promotion or publicity of any Defendant athletic team.

64. All documents relating to the job responsibilities of each individual defendant.

65. All documents relating to the official responsibilities of Defendant school board members.

66. All documents relating to the post-season competition of Defendant athletic teams since the 1990-91 school year.

67. All documents relating to Defendant's membership in an athletic conference, including any contracts with such conference.

68. The by-laws or other rules that Defendant must follow as a member of its athletic conference.

69. All documents relating to Defendant's membership in any state athletic association (e.g., Connecticut Interscholastic Athletic Conference), including any contracts with such association.

70. The by-laws or other rules that Defendant must follow as a member of any state athletic association.

71. All documents relating to the girls' soccer and

softball teams, their competitions, and their facilities.

Dated: March 2, 1998

Respectfully submitted by:

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Maureen Murphy  
Conn. Fed. Bar No. 1571  
27 Elm Street  
New Haven, CT 06510  
(203) 789-2269

and

Kristen Galles  
Conn. Fed. Bar No. 18203  
10 Rosecrest Avenue  
Alexandria, VA 22301

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd day of March, 1998, a true and correct copy of the foregoing Plaintiff's First Request for Production of Documents was served via facsimile and first class mail, postage prepaid, upon counsel for Defendants listed below.

Michael P. McKeon  
Sullivan, Schoen, Campane & Connon  
646 Prospect Avenue  
Hartford, CT 05105-4203  
(860) 233-0516 (fax)

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Kristen Galles