

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:17-cv-01177-LTB

DAKOTA TYLER MCGRATH,

Plaintiff,

v.

FORT COLLINS POLICE SERVICES OFFICER NICK RODGERS, in his individual
capacity,

Defendant.

**DEFENDANT'S FIRST SET OF INTERROGATORIES, REQUESTS FOR
PRODUCTION OF DOCUMENTS, AND REQUESTS FOR ADMISSION TO PLAINTIFF**

Defendant Fort Collins Police Services Officer Nick Rogers, through his counsel, Thomas J. Lyons and Matthew J. Hegarty of Hall & Evans, L.L.C., and pursuant to Fed. R. Civ. P. 33, 34, and 36, hereby submits his first set of Interrogatories, Requests for Production of Documents, and Requests for Admission to Plaintiff ("Discovery Requests"), to be answered under oath within thirty (30) days after service of these Discovery Requests.

INSTRUCTIONS

1. These Discovery Requests apply to all information in the possession, custody, or control of Plaintiff, regardless of its location and regardless of whether such information is held by Plaintiff's agents, employees, representatives, attorneys, or any other person under Plaintiff's control.



cover letters, rejection letters, correspondence, applications, notes, calendars, or memoranda.

12. Produce copies of all documents you believe contradict, refute, or relate to any position you understand Defendant to take in this litigation.

13. If you are claiming emotional distress as an element of damages in this litigation, produce copies of all medical or mental health records in your possession for the past ten (10) years, including, but not limited to, records from all providers or facilities described in these Discovery Requests, and execute the enclosed medical releases so that Defendant can obtain records directly from the providers or facilities. Please execute and provide an original release for each provider so that Defendant may comply with the Health Insurance Portability and Accountability Act ("HIPAA").

14. Produce copies of any diaries, journals, calendars, or notes kept or maintained by you from October 1, 2016 to the present relating to your daily activities, including, without limitation, any such records maintained on a computer, cell phone, smart phone, personal data assistant, or other electronic device.

15. Produce all written reports of your investigators or other representatives who investigated any aspect of the Incident, including any allegedly resulting injury.

16. Produce all documents that mention or embody any criminal charges, lawsuit, administrative matter, or alternative dispute proceeding in which you were a party or witness identified in response to any of these Discovery Requests.

REQUESTS FOR ADMISSION

1. Admit that, on the night of the Incident, you ignored Defendant's commands to step away from your vehicle and sit down on a curb.

2. Admit that, on the night of the Incident, you walked away from Defendant after he commanded you to approach him and sit down on a curb.

3. Admit that, on the night of the Incident, when Defendant informed you that you were under arrest and that force would be used against you if you did not comply with Defendant's commands, you responded, "Do what you have to do."

4. Admit that, on the night of the Incident, Defendant delivered a single blow to your left scapula consisting of a two-handed straight strike with Defendant's wooden baton, which caused you to fall to the ground.

5. Admit that, on the night of the Incident, you reached for your backpack after Defendant commanded you to roll over on to your stomach.

6. Admit that, on the night of the Incident, you resisted officers' attempts to place you in handcuffs.

7. Admit that, on the night of the Incident, you head-butted Lalo Rodriguez.

8. Admit that, on the night of the Incident, you drank alcoholic beverages.

9. Admit that, on the night of the Incident, you refused to comply with hospital personnel's requests to let them examine you.

Respectfully submitted this 17th day of November, 2017.

s/ Matthew J. Hegarty

Matthew J. Hegarty, Esq.

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that, on this 17th day of November, 2017, I electronically served the foregoing **DEFENDANT'S FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION OF DOCUMENTS, AND REQUESTS FOR ADMISSION TO PLAINTIFF** via email upon the following email address:

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s/ Michael Hagan, Paralegal to
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