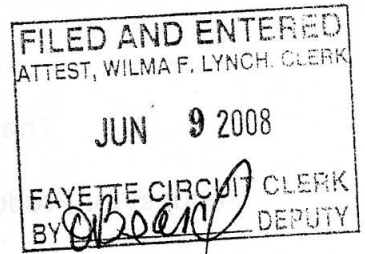


COMMONWEALTH OF KENTUCKY  
FAYETTE CIRCUIT COURT  
DIVISION III  
CIVIL ACTION NO. 08-CI-608



PEGGY PETRILLI

PLAINTIFF

v. **MOTION TO COMPEL FULL ANSWERS TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**

STU SILBERMAN, in his Individual Capacity,  
and in his Official Capacity as the Superintendent  
of the Fayette County Public Schools and/or  
Fayette County Board of Education, AND  
CARMEN COLEMAN, in her Individual Capacity,  
and in her Official Capacity as the Director  
of the Fayette County Public Schools and/or  
Fayette County Board of Education, AND  
THE FAYETTE COUNTY BOARD OF EDUCATION,  
FAYETTE COUNTY, KENTUCKY

DEFENDANTS

\* \* \* \* \*

Come the Defendants, Stu Silberman, in his Individual Capacity, and in his Official Capacity as the Superintendent of the Fayette County Public Schools and/or Fayette County Board of Education, Carmen Coleman, in her Individual Capacity, and in her Official Capacity as the Director of the Fayette County Public Schools and/or Fayette County Board of Education, and the Fayette County Board of Education, Fayette County, Kentucky, by counsel, and for their Motion to Compel the Plaintiff to fully answer the Interrogatories and Request for Production of Documents, state as follows:

1. That the Defendants propounded Interrogatories and Request for Production of Documents to the Plaintiff on March 6, 2008.

2. That on or about April 29, 2008, the Plaintiff answered the Interrogatories and Request for Production of Documents, being extremely unresponsive to a major number of them.

3. That the Plaintiff's failure to fully answer the Interrogatories and Request for Production of Documents was not appropriate and will delay the smooth handling of this litigation.

4. That the Defendants attempted to resolve this matter amicably by correspondence and the Plaintiff has failed to either completely answer the Interrogatories and Request for Production of Documents or, alternatively, indicate that she will be willing to do so. (See attached Exhibit 1.)

5. That the Defendants are entitled to have their Interrogatories and Request for Production of Documents responded to properly, and the Defendants cannot move forward in this litigation without proper responses.

6. Attached hereto is a copy of the Plaintiff's answers to Interrogatories and Request for Production of Documents. (See attached Exhibit 2.)

7. The following Interrogatories were not properly answered by the Plaintiff.

a. Interrogatory No. 7, which requested specific injury of a mental or emotional state which is claimed as a result of this litigation. No detail was given.

b. Interrogatory No. 8 requested Plaintiff's complete medical history for the last 15 years. Plaintiff did not answer that interrogatory.

c. Interrogatory No. 10 asked for the specific facts supporting the claim that the superintendent conducted a secret meeting with Booker T. Washington Academy site based council and parents and violated KRS 161.190 and KRS 160.345, and asked

for specific facts, witnesses, and documents to support those allegations. None were given.

d. Interrogatory No. 11 specifically asked for the contents of statements between Superintendent Silberman and Ms. Petrilli to support the claim that the decision of Ms. Petrilli to resign was based on race, and requested the name, address, and any documents supporting that allegation. None was given.

e. Interrogatory No. 12 asked for details of each alleged telephone conversation, the contents of the telephone conversations, witnesses to the conversations, and the names of any people who have knowledge of the facts of these conversations, including anyone with whom Petrilli discussed the conversations. Again, there was a non-responsive answer.

f. Interrogatory No. 13 requested specific detail on conversations between Superintendent Silberman and Ms. Petrilli which served as the basis for Plaintiff's contention that she was constructively discharged as result of Silberman's threats and intimidation which were based on race, and that her work environment was intolerable at Booker T. Washington Academy. The answer was non-responsive.

g. Interrogatory No. 14 asked for specific facts and information regarding KRS 344.044 being violation, and that Petrilli was discharged because of her race, and sought the name of every individual who had knowledge of such facts. That answer was non-responsive.

h. Interrogatory No. 15 dealt with Plaintiff's contention that she was being retaliated and discriminated against because she opposed a practice which was unlawful under KRS 344 when she made complaints to Silberman and Coleman regarding race

discrimination she underwent. The interrogatory requested specific factual information and the legal basis for the contentions that the Defendants aided and abetted the parents and site based council engaging in unlawful acts and race discrimination. Yet, the answer was non-responsive.

i. The same is true of Interrogatory No. 16.

j. Interrogatory No. 17 asked for the specific sections, provisions, and parts of the Kentucky Administrative Regulations, the Kentucky Constitution, the evaluation plan for the Fayette County Public Schools, the certified personnel evaluation plan for the Fayette County Public Schools, and any other policies or procedures which Petrilli was relying upon in the allegations contained in her Complaint. No answer was given that was responsive to this interrogatory.

k. The same is true to the answer to Interrogatory No. 18.

l. Interrogatory Nos. 19 and 20 asked for chronologically detailed statements of every conversation between Silberman and Petrilli, and Coleman and Petrilli, between August 22, 2007 and December 20, 2007. Those interrogatories were not answered.

m. Interrogatory No. 22 dealt with any statements or interviews conducted with any employees of the Fayette County Board of Education, and the objection was that was work product. Given that they were employees, there would be no work product privilege, and under the Civil Rules, Civil Rule 26, any such statements or interviews would be discoverable.

n. Interrogatory No. 24 specifically asked who told Petrilli that they wanted an African-American principal instead of her in response to one of her allegations. Again, the answer was non-responsive.

8. Not only has the Plaintiff failed to answer the interrogatories adequately, she has also failed to answer the request for production of documents, including Request Nos. 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26. They have alleged particular violations of policies, regulations, and statutes and, therefore, are obligated to produce those things.

WHEREFORE, the Defendants, Stu Silberman, in his Individual Capacity, and in his Official Capacity as the Superintendent of the Fayette County Public Schools and/or Fayette County Board of Education, Carmen Coleman, in her Individual Capacity, and in her Official Capacity as the Director of the Fayette County Public Schools and/or Fayette County Board of Education, and the Fayette County Board of Education, Fayette County, Kentucky, respectfully request that the Plaintiff be compelled to answer fully the Interrogatories and Request for Production of Documents.

#### **NOTICE**

The parties will take notice that the foregoing Motion will come on for hearing on Friday, June 13, 2008, at 8:30 a.m., or as soon thereafter as counsel can be heard.

Respectfully submitted,

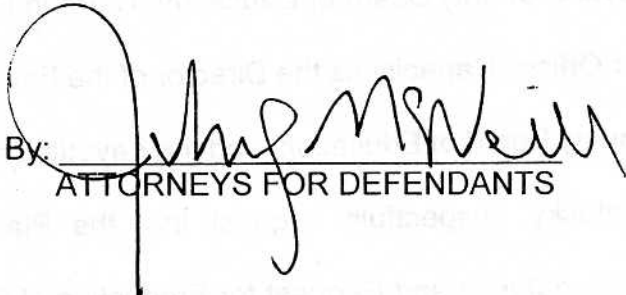
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LANDRUM & SHOUSE LLP  
Post Office Box 951  
Lexington, Kentucky 40588-0951  
Telephone: 859-255-2424

By:   
ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing has this 9<sup>th</sup> day of June, 2008, been mailed to the following:

Hon. J. Dale Golden  
Golden & Walters, PLLC  
771 Corporate Drive, Suite 905  
Lexington, Kentucky 40503

By:   
ATTORNEYS FOR DEFENDANTS