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UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

MAY - 4 2005

HEARING DOCKET

In the Matter of

* Docket No.: CP04WP0030

* DMS No.: FAA-2005-20532-7

PETER L. BRADLEY

*

* Judge: Richard C. Goodwin

*

Respondent.

*

**COMPLAINANT'S RESPONSE TO PETER L. BRADLEY'S
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**

To: The Honorable Richard C. Goodwin and Respondent through his attorney of record:

Complainant, by and through counsel, provides the following responses to Respondent's Interrogatories and Requests for Production of Documents served herein:

INTERROGATORIES

Interrogatory No. 1: *Identify and describe the procedure for the verbal and written reporting or notifying the FAA of a passenger medical problem or occurrence on an Airline.*

RESPONSE: Objection. Irrelevant, overly-broad, burdensome, harassing, beyond the permissible scope of discovery, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving earlier objections, the Complainant responds as follows: Written statements of medical incidents are provided from the airlines to the FAA pursuant to each airline's protocols. These written statements are not maintained by the FAA, but may be maintained by each individual airlines. The FAA does not have access to any of these documents which may or may not exist. There is no verbal reporting.

Interrogatory No. 2: *Identify each and every incident, event or happening referred to and/or reported to the FAA between January 1, 1996 and December 31, 2001 in which a*

medical problem or occurrence caused or resulted in interference with crew members in the performance of their duties.

RESPONSE: Objection. Irrelevant, overly-broad, burdensome, harassing, beyond the permissible scope of discovery, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving earlier objections, the Complainant responds as follows: The FAA does not track this information and

Division were contacted during the period of January 1, 1996, through December 31, 2001, referencing medical problems or occurrences which caused or resulted in the interference with crew members in the performance of their duties.

Interrogatory No. 3: *Identify and describe each and every document in which a medical explanation and/or medical defense was communicated to the FAA in connection with an incident or happening on an airline.*

RESPONSE: Objection. Irrelevant, overly-broad, burdensome, harassing, beyond the permissible scope of discovery, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving earlier objections, the Complainant responds as follows: The FAA does not specifically track this information and as such does not have the ability to provide any type of documentation which could be used to determine said information.

Interrogatory No. 4: *Identify each and every Proposed Notice of Civil Penalty, Final Notice of Civil Penalty, and/or Complaint that was filed by the FAA between January 1,*

1996 and December 31, 2001, in cases that included a passenger medical problem or occurrence in the fact situation.

RESPONSE: Objection. Irrelevant, overly-broad, burdensome, harassing, beyond the permissible scope of discovery, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving earlier objections, the Complainant responds as follows: The FAA does not specifically track this information and as such does not have specific knowledge of any Proposed Notice of Civil Penalty, Final Notice of Civil Penalty or Complaint which is responsive to this request.

Interrogatory No. 5: *Identify the final decision and/or resolution of each and every complaint identified in your Response to Interrogatory 3, including but not limited to the penalty assessed.*

RESPONSE: Objection. Irrelevant, overly-broad, burdensome, harassing, beyond the permissible scope of discovery, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving earlier objections, the Complainant responds as follows: The FAA does not specifically track this information and as such cannot identify the final decisions and/or resolution of any case which may or may not exist.

REQUEST FOR PRODUCTION

Request for Production No. 1: *All documents, notes, memorandum, drafts and similar written materials that exist in connection with any and all reports to the FAA and/or information sent to and/or received by the FAA concerning a passenger medical problem or occurrence between January 1, 1996 and December 31, 2001.*

RESPONSE: Objection. Irrelevant, overly-broad, burdensome, harassing, beyond the permissible scope of discovery, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving earlier objections, the Complainant responds as follows: The FAA does not specifically track this information and as such cannot identify any documents which are responsive to this request.

Request for Production No. 2: *All complaints, documents, notes, memoranda, drafts and similar written materials which exist in connection with each Proposed Notice of Civil Penalty, Final Notice of Civil Penalty and/or Complaint drafted by the FAA between January 1, 1996 and December 31, 2001, in cases and/or investigations which include or involve a passenger medical problem or occurrence in the fact situation.*

RESPONSE: Objection. Irrelevant, overly-broad, burdensome, harassing, beyond the permissible scope of discovery, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving earlier objections, the Complainant responds as follows: The FAA does not specifically track this information and as such cannot identify any documents which are responsive to this request.

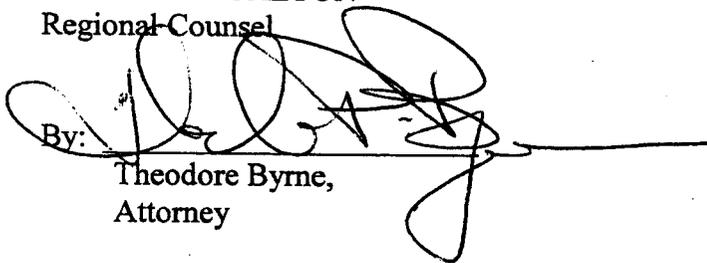
Request for Production No. 3: *All documents connected with the final decision or resolution of each and every Proposed Notice of Civil Penalty, Final Notice of Civil Penalty, and/or Complaint filed by the FAA between January 1, 1996, and December 31, 2001, in cases which include passenger medical problem or occurrence in the fact situation.*

RESPONSE: Objection. Irrelevant, overly-broad, burdensome, harassing, beyond the permissible scope of discovery, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving earlier objections, the Complainant responds as

follows: The FAA does not specifically track this information and as such cannot identify any documents which are responsive to this request.

Respectfully submitted,

MONROE P. BALTON
Regional Counsel

By: 

Theodore Byrne,
Attorney

Dated: **April 25, 2005**

CERTIFICATE OF SERVICE

I hereby certify that on this date I have placed in the United States mail, postage prepaid, the original of COMPLAINANT'S PRELIMINARY LISTS OF WITNESSES AND EXHIBITS, without enclosures, addressed as follows:

Hearing Docket
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D. C. 20591
Attn: Hearing Docket Clerk, AGC-430
Wilbur Wright Building – Room 2014

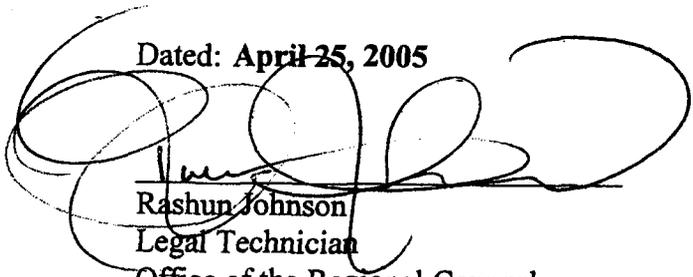
and a copy of the above by fax and regular mail, without enclosures, postage prepaid, to:

The Honorable Richard C. Goodwin
Administrative Law Judge
United States Dept. of Transportation
Office of Hearings, M-20, Room 5411
400 Seventh Street, S.W.
Washington, D.C. 20590
Fax: (202) 366-7536

I further certify that on this date I sent by fax and placed in the United States mail, postage prepaid, certified mail, return receipt requested, a true copy of the above, with enclosures, addressed as follows:

Joyce B. Lader, Esq.
Law Offices of Ladar & Ladar
1916 Vallejo Street
San Francisco, CA 94123
Fax: (415) 928-4499

Dated: April 25, 2005



Rashun Johnson
Legal Technician
Office of the Regional Counsel
Federal Aviation Administration
Lawndale, California