

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

|                      |   |   |                          |
|----------------------|---|---|--------------------------|
| <b>HOPE DAVILA,</b>  | : | : | <b>CIVIL ACTION NO.:</b> |
| <b>Plaintiff,</b>    | : | : | <b>3:14-cv-569 (JCH)</b> |
| <b>v.</b>            | : | : |                          |
| <b>HUGH DOUGLAS,</b> | : | : |                          |
| <b>Defendant.</b>    | : | : | <b>February 16, 2015</b> |

**PLAINTIFF’S MOTION TO COMPEL DISCOVERY AND FOR SANCTIONS**

Pursuant to Rule 37(a) of the Federal Rules of Civil Procedure and Rule 37 of the Local Civil Rules of the United States District Court for the District of Connecticut, the plaintiff, Hope Davila, respectfully requests that this Court order the defendant, Hugh Douglas, to produce a Rule 26(a) disclosure that complies with the Rule and to produce all information and documents that are responsive to the plaintiff’s First Set of Interrogatories and Requests for Production, to which the defendant has not objected. The plaintiff also moves for sanctions, pursuant to Federal Rule 37 and Local Rule 37(c), because the defendant’s failure to comply with his discovery obligations is not justified under existing law.

In support of this Motion to Compel, the plaintiff is filing herewith a memorandum of law and an affidavit from undersigned counsel certifying that she has conferred with counsel for Mr. Douglas in a good faith, but unsuccessful, effort to resolve by agreement the issues raised by this Motion.

**ORAL ARGUMENT NOT REQUESTED**

WHEREFORE, the plaintiff requests that the defendant be ordered to produce a Rule 26(a) report and responses to the plaintiff's discovery requests, and that this Court award the plaintiff sanctions in the form of reasonable attorneys' fees.

**RESPECTFULLY SUBMITTED,  
THE PLAINTIFF**

By: /s/ Nina T. Pirrotti

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COUNSEL FOR THE PLAINTIFF

**CERTIFICATION**

I HEREBY CERTIFY that on this 16th day of February, 2015, a copy of the foregoing was filed electronically [and served by mail on anyone unable to accept electronic filing]. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system [or by mail to anyone unable to accept electronic filing]. Parties may access this filing through the Court's system.

/s/ Nina T. Pirrotti

Nina T. Pirrotti

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

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| <b>HOPE DAVILA,</b>  | : | <b>CIVIL ACTION NO.:</b> |
| <b>Plaintiff,</b>    | : | <b>3:14-cv-569 (JCH)</b> |
| <b>v.</b>            | : |                          |
| <b>HUGH DOUGLAS,</b> | : |                          |
| <b>Defendant.</b>    | : | <b>February 16, 2015</b> |

**PLAINTIFF’S MEMORANDUM OF LAW IN SUPPORT OF  
HER MOTION TO COMPEL DISCOVERY AND FOR SANCTIONS**

The plaintiff, Hope Davila, respectfully submits this memorandum of law in support of her Motion, pursuant to Rule 37(a) of the Federal Rules of Civil Procedure and Rule 37 of the Local Civil Rules of the United States District Court for the District of Connecticut, to compel the defendant, Hugh Douglas, to produce a Rule 26(a) disclosure that complies with the Rule and to produce complete discovery responses, and for sanctions associated with the filing of this Motion.

Despite repeated requests, Mr. Douglas has failed to provide a Rule 26(a) disclosure that describes the subjects about which his potential witnesses are knowledgeable, and despite serving no timely objections, he has failed to produce meaningful and complete discovery responses. Mr. Douglas, in short, has repeatedly flouted his discovery obligations, and he has done so without any justification in law or in fact. This Motion to Compel Discovery and for Sanctions should be granted.

## I. FACTUAL ALLEGATIONS<sup>1</sup>

Hugh Douglas was a professional football player in the National Football League from the mid-1990s to the mid-2000s. After his retirement, he worked in Connecticut as a sports commentator, and it was while he was in Connecticut that he met Hope Davila. Mr. Douglas and Ms. Davila started seeing each other romantically in early 2013, and they had been together approximately eight months when he brutally assaulted her on September 22, 2013.

September 2013 was not the first time that Mr. Douglas assaulted Ms. Davila. In May 2013, as Ms. Davila attempted to leave Mr. Douglas's apartment after an argument, Mr. Douglas choked her and threw her to the floor several times. In August 2013, the two got into another argument at Mr. Douglas's apartment. Again, as Ms. Davila attempted to leave, Mr. Douglas got angry. He grabbed her and slung her onto his marble kitchen countertop, choking her against the counter. Mr. Douglas assaulted Ms. Davila another time that same summer when he wanted to leave a nightclub and she did not. Shortly after he got her into his car, Mr. Douglas yanked Ms. Davila by her ponytail and slammed her forehead on the dashboard of his car. In so doing, he pulled out a chunk of her hair, and she sustained a bump on her forehead.

On the night of September 21, Ms. Davila had planned to stay with Mr. Douglas in his hotel room at the Marriott in Hartford, Connecticut. Once she arrived, though, she and Mr. Douglas began to argue, and she decided to go home. She left Mr. Douglas's room, walked down the hall, and was about to enter the elevator when Mr. Douglas suddenly appeared behind her. He grabbed her by the arm and pulled her away from the elevator. He then lifted her up by her neck and carried her down the hall by the neck, with her legs dangling in the air. She was

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<sup>1</sup> Ms. Davila's factual allegations are taken from her complaint (Dkt. No. 1), which is attached at Exhibit A.

choking. (At six foot two and 280 pounds, Mr. Douglas could easily throw around the five-foot-five, 125-pound Ms. Davila.)

While Mr. Douglas was carrying Ms. Davila back down the hall to his hotel room by her neck, he banged her head against a hallway wall, and she lost consciousness. She briefly regained consciousness at the doorway to Mr. Douglas's room. He then banged her head again, this time against the room's door, saying, "That's what you get for not listening to me." She blacked out again. When she regained consciousness for the second time, Ms. Davila was lying on the bed in Mr. Douglas's hotel room. He was sweating and pacing back and forth. Ms. Davila was in pain, and she told Mr. Douglas that she wanted to go home. Mr. Douglas, however, insisted that she stay, and he had sex with her, even though she was in no condition to be a willing participant. Mr. Douglas finally allowed her to leave the room.

Ms. Davila went down to the hotel lobby, where she asked the concierge if there were any video surveillance cameras in the hallway, to which he replied that there were not. As Ms. Davila began walking away, the concierge, seeing that Ms. Davila was distraught and obviously injured, asked her if she was okay. She said she was not and that she had been attacked. Ms. Davila wanted to go home, but the concierge and hotel security convinced her to stay, and they called for emergency medical assistance, as well as the police. When the police arrived, they questioned Ms. Davila and Mr. Douglas and then arrested Mr. Douglas on felony assault and strangulation charges.

The EMTs who arrived on the scene assessed Ms. Davila's condition. Their record reveals their observations: "Patient has strangulation marks on her neck, as well as abrasions [sic] on the back of her neck." The EMTs ultimately determined that they needed to

take Ms. Davila to the hospital by ambulance. Ms. Davila was treated at the hospital for a concussion and a large hematoma to the back of her skull.

Mr. Douglas pleaded no contest to a misdemeanor in connection with his September 2013 assault of Ms. Davila.

## II. PROCEDURAL BACKGROUND

Ms. Davila filed this lawsuit in April 2014. (Dkt. No. 1.) The parties attempted for several months to resolve their dispute without protracted litigation, but they were ultimately unsuccessful. (*See* Dkt. No. 36, Joint Status Report (Oct. 30, 2014) (“[A]t this point, it is clear that this case will not settle without additional discovery.”).) Accordingly, the parties commenced discovery.

Ms. Davila served her Rule 26(a) Disclosure on December 1, 2014. (Exh. B, Pl.’s R. 26 Disclosure (Dec. 1, 2014).) She served her first set of discovery requests the same day. (Exh. C, Pl.’s 1st Set of Interrogs. & Reqs. for Prod. (Dec. 1, 2014).) The interrogatories asked the defendant to “[i]dentify all persons with whom you have communicated about Ms. Davila,” including “the dates of the communications, approximated if necessary, and a summary of the communications,” and to “[i]dentify all persons who have accused you of assault, battery, or violent threats, since 2004.” (*Id.* at 4.) The document requests asked for, among other things, “[a]ll documents or communications relating to Ms. Davila,” the defendant’s “complete tax returns from 2011 to present,” and “[a]ll documents from 2004 to present relating to any accusation that you committed assault, battery, or violent threats, including but not limited to your conduct at ESPN in or about August 2013 which culminated in your termination from ESPN.” (*Id.* at 5.)

Mr. Douglas did not respond to Ms. Davila's discovery requests within 30 days, as required by the Federal Rules. *See* Fed. R. Civ. P. 33(b)(2); Fed. R. Civ. P. 34(b)(2)(A). On January 5, 2015, Ms. Davila's attorney wrote to Mr. Douglas's attorney to inquire about the overdue responses. (Exh. D, Email from N. Pirrotti (Jan. 5, 2015).) Mr. Douglas's attorney replied that "[w]e will get you [a] response in advance to the deposition date." (Exh. E, Email from J. Furlong (Jan. 5, 2015).) (Both parties were scheduled to be deposed on February 2, 2015, in Newark, NJ.) Mr. Douglas's attorney also stated in the letter:

[F]irst, we have sent you all the documents we have on the criminal investigation and disposition. Second, we have no documents with respect to the ESPN affair [in which Mr. Douglas was accused of violent threats]. . . . Fifth, I have asked for copies of tax returns and should have them shortly. Sixth, I will have an answer to your first interrogatory [regarding communications about Ms. Davila] hopefully by the end of this week. Finally, with respect to what I will refer to as your demand for Rule 404(b) materials, I have no present knowledge or possession of any relevant documents. If you are aware of a specific incident, please give me some guidance to investigate. Otherwise, answer to your second interrogatory [regarding allegations of violence] would be "none."

(*Id.*) When Ms. Davila's attorney did not receive the promised responses or documents, she followed-up with three more emails, dated January 14, January 26, and January 28, 2015, each time requesting the defendant's discovery responses. (Exh. F, Emails from N. Pirrotti (Jan. 14-28, 2015).)

Finally, on January 29 — with only one business day to go before Mr. Douglas's deposition on February 2 — Mr. Douglas's attorney sent a single document entitled: "Defendant's Rule 26 disclosures and responses to interrogatories." (Exh. G, Def.'s R. 26 Disclosure & Resps. to Interrogs. (Jan. 29, 2015).) Not only did the document have numerous deficiencies, but the defendant also failed to respond fully and properly to the plaintiff's interrogatories or to provide a single document responsive to the plaintiff's document requests.



Furthermore, the statement listed 36 “witnesses” with no apparent relevance to the case, including 12 of Ms. Davila’s co-workers, Ms. Davila’s ex-husband (who is the father of her daughter), a person with whom Ms. Davila had had a romantic relationship, and three individuals to whom the defendant claims he sent photographs of Ms. Davila.<sup>2</sup>

On January 30, immediately after reviewing this document, Ms. Davila’s attorney sent an email to Mr. Douglas’s attorney, advising him that the plaintiff would not be in a position to go forward with the depositions, both scheduled for February 2, and informing him that a letter explaining the plaintiff’s decision would be forthcoming. (Exh. H, Email from N. Pirrotti (Jan. 30, 2015).) Later that same day, she sent him that letter. (Exh. I, Letter from N. Pirrotti (Jan. 30, 2015).) In the letter, she noted that the defendant’s Rule 26 disclosure did not “include the subject matter on which each witness had knowledge,” *cf.* Fed. R. Civ. P. 26(a)(1)(A)(i) (requiring such information), many of which could not be intuited from the context; that the purported discovery “responses” were not signed under oath by the defendant, as required by Rule 33(b)(3); that he stated that the promised documents “will be ‘supplied by agreement as to format for production,’” without specifying a reasonable timeline for the production; and that the defendant refused to produce his tax returns, despite offering no objection, instead stating that the returns would be produced “‘as directed by court [sic].” (Exh. I at 1-2 (quoting Exh. G).)

Mr. Douglas’s attorney responded by letter a few days later. (Exh. J, Letter from J. Furlong (Feb. 2, 2015).) The letter raised for the first time purported inadequacies in the plaintiff’s Rule 26(a) disclosures (which the defendant had received on December 1, 2014), and

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<sup>2</sup> As this lawsuit concerns whether Mr. Douglas assaulted Ms. Davila — an assault to which there are no eyewitnesses — and the injuries she sustained as a result, the defendant’s naming of these witnesses seemed to the plaintiff’s counsel like a tactic designed to intimidate the plaintiff just before her deposition.

implied that the plaintiff had asked the defendant to destroy “evidence” and that the plaintiff’s attorneys had solicited the plaintiff. (*Id.*) Ms. Davila’s attorney responded by letter two days later. (Exh. K, Letter from N. Pirrotti (Feb. 4, 2015).) Her letter rebutted each of the defendant’s allegations and reiterated the ways in which the defendant had failed to comply with his discovery obligations. She asked defense counsel to provide an amended Rule 26(a) statement which fully complied with the Rule, as well as formal responses to the plaintiff’s interrogatories and document requests, including production of the documents themselves, by Friday, February 13, 2015, and to confirm by February 6 that he was prepared to do so or, if not, to state the reasons why.

On February 9, 2015, the defendant e-mailed to Ms. Davila’s attorney a new document entitled “Answers to Interrogatories and Request for Production of Documents,” dated February 6, 2015. (Exh. L, Answers (Feb. 6, 2015).) When Ms. Davila’s attorney reviewed the “Answers,” she noticed that they were virtually identical to the defendant’s previous deficient responses contained within his Rule 26(a) statement (*compare* Exh. G), with the exception of a signature from the defendant and the inclusion of the names of two people who had “accused defendant of assault, battery, or threats since 2004” (Exh. L at 3). The “Answers” did not include any responsive documents. Instead, the defendant continued to represent that “digital photographs, one video clip, and assorted text messages (including both cell phone and Facebook)” would be “supplied by agreement as to format” and that he would produce his tax returns “as directed by court.” (*Id.* at 3-4.). The defendant has yet to revise his Rule 26(a) statement to comply with the Rule.

Despite the plaintiff's numerous good faith attempts, she and the defendant have been unable to resolve their discovery disputes without judicial intervention. (*See* Exh. M, Affidavit of N. Pirrotti (Feb. 16, 2015).)

### **III. ARGUMENT**

The defendant's discovery disclosures and responses have been repeatedly deficient in numerous respects. He should be ordered to comply with the Federal Rules and to pay sanctions for his repeated, unjustified failure to do so without judicial intervention.

#### **A. The Defendant's Rule 26(a) Disclosure Unjustifiably Ignores the Requirements of the Rule.**

Mr. Douglas's initial disclosures under Rule 26(a) are deficient. (Exh. G.) Rule 26 requires each party to provide "the name and, if known, the address and telephone number of each individual likely to have discoverable information — along with the subjects of that information — that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment." Fed. R. Civ. P. 26(a)(1)(A)(i). This Mr. Douglas has not done.

Mr. Douglas's disclosure fails to comply with the Rule in at least two meaningful respects. First, it fails to provide addresses for some of the witnesses. For example, the disclosure identifies Anthony Stargell, Robert Jones, and Lance Williams as "[f]riend[s] of defendant" and provides their cities of residence. (Exh. G at 3.) However, it does not provide their addresses, thus preventing the plaintiff from contacting them or serving subpoenas (if appropriate).

Second, and more importantly, the disclosure fails to describe "the subjects of [discoverable] information" that the identified individuals have and that Mr. Douglas "may use

to support [his] defenses.” Fed. R. Civ. P. 26(a)(1)(A)(i). For example, the disclosure lists eleven of the plaintiff’s coworkers at “The Hair Company and Spa.” (Exh. G at 2.) But it does not state what useful information the defendant believes these individuals to have. Likewise, for a number of current or former employees of ESPN, whom the defendant describes as having “[p]ersonal knowledge of defendant and this case” (*id.* at 2-3), the description could hardly be less specific.

Mr. Douglas has not even attempted to offer a justification for his failure to comply with Rule 26. This Court should now order him to comply.

**B. The Defendant’s Responses to the Plaintiff’s Discovery Requests Are Unjustifiably Deficient.**

Mr. Douglas’s initial and revised discovery responses are deficient under Rules 33 and 34. (Exhs. G & K.) Mr. Douglas’s responses are deficient in several respects:

First, in Interrogatory No. 1, Ms. Davila asked Mr. Douglas to “[i]dentify all persons with whom you have communicated about Ms. Davila,” including “the dates of the communications, approximated if necessary, and a summary of the communications.” (Exh. C at 4.) The Requests defined “identify” with respect to a person as requesting that person’s “full name, present or last known address, telephone number, and present or last known title, position and business affiliation.” (*Id.* at 3.)<sup>3</sup> In response to this Interrogatory, Mr. Douglas provided the same list of 34 people as he did for his deficient Rule 26(a) disclosure (except that he did not list

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<sup>3</sup> The District’s Local Rules define “identify” with respect to persons, for “all discovery requests,” to require “the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment.” D. Conn. L. R. Civ. P. 26(c)(3).

himself or the plaintiff). He did not provide any (even approximate) dates of communications, nor did he even attempt to summarize the communications.

Second, in Request for Production No. 1, Ms. Davila requested “[a]ll documents or communications relating to Ms. Davila.” (Exh. C at 5.) Mr. Douglas provided the following response:

Documents or communications-defendant is in possession of digital photographs, one video clip, and assorted text messages (including both cell phone and Facebook), as well as access to service providers with more complete data, all to be supplied by agreement as to format for production.

(Exh. G at 4; Exh. L at 3.) He did not produce any documents. And despite knowing that Ms. Davila’s attorneys wanted the documents in advance of the February 2 deposition, he did not offer to produce the documents in any reasonable timeframe. (Exh. G at 4.)

Third, in Request for Production No. 3, Ms. Davila requested Mr. Douglas’s “complete tax returns from 2011 to present.” (Exh. C at 5.) Mr. Douglas asserted in response that “defendant will produce tax returns as directed by court.” (Exh. G at 4; Exh. L at 3.) In his letter, Mr. Douglas’s lawyer asserted that the tax returns contained confidential information, including information about Mr. Douglas’s now-estranged wife. (Exh. J at 4.) He also asserted that the returns were “only relevant to a damages issue should your client prevail on a liability claim” (*id.*), thus impliedly suggesting that discovery concerning the plaintiff’s damages should be postponed until after a trial as to liability.

Mr. Douglas’s assertions with respect to his tax returns are meritless. As an initial matter, Mr. Douglas did not interpose any objections in his “responses,” as required by Rule 34(b)(2)(C). (Indeed, Mr. Douglas did not assert any objections to any discovery requests.) Nor could he have done so, since his failure to respond in a timely manner necessarily waived any

opportunity to object. *See, e.g., Horace Mann Ins. Co. v. Nationwide Mut. Ins. Co.*, 238 F.R.D. 536, 537-38 (D. Conn. 2006) (Smith, J.) (“A party who fails to file timely objections waives all objections . . .”). *See generally* Fed. R. Civ. P. 33(b)(4) (“Any ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure.”) (emphasis added). The appropriate method for requesting bifurcation, meanwhile, is Rule 42(b), not a discovery response. In any event, bifurcation is inappropriate in a routine personal injury case such as this. *See, e.g.,* Advisory Committee Notes to Fed. R. Civ. P. 42 (noting that “separation of issues for trial is not to be routinely ordered”).

Mr. Douglas’s “responses” to Interrogatory No. 1 and Requests for Production Nos. 1 and 3 are unjustifiably non-compliant. This Court should order Mr. Douglas to provide meaningful and complete discovery responses.

**C. The Defendant’s Repeated and Unjustified Non-Compliance Warrants Sanctions Under Rule 37.**

Mr. Douglas’s willful failure to comply with his discovery obligations justifies an award of sanctions. Rule 37 authorizes sanctions where a party, among other things, “fails to make a disclosure required by Rule 26(a),” Fed. R. Civ. P. 37(a)(3)(A), and “after being properly served with interrogatories under Rule 33 or a request for inspection under Rule 34, fails to serve its answers, objections, or written response,” Fed. R. Civ. P. 37(d)(1)(A)(ii). In fact, sanctions in the latter situation are mandatory. Where a party willfully fails to act, “the court must order the disobedient party, the attorney advising that party, or both to pay the reasonable expenses, including attorney’s fees, caused by the failure, unless the failure was substantially justified or other circumstances make an award of expenses unjust.” Fed. R. Civ. P. 37(d)(3) (emphasis added); *see also* D. Conn L. Civ. R. 37(c) (“Where a party has sought or opposed discovery

which has resulted in the filing of a motion, and that party's position is not warranted under existing law and cannot be supported by good faith argument for extension, modification or reversal of existing law, sanctions will be imposed in accordance with applicable law.').

Here, despite several opportunities, the defendant has failed to offer any justification — substantial or otherwise — for his inaction. We submit that the only appropriate response to his indifference to the Rules is an award of monetary sanctions in the form of the attorneys' fees the plaintiff expended in an effort to secure the defendant's compliance.

#### **IV. CONCLUSION**

The defendant has repeatedly and without justification flouted his obligations under the Federal Rules. We ask this Court to order him to comply. The Motion to Compel and for Sanctions should be granted.

**RESPECTFULLY SUBMITTED,  
THE PLAINTIFF**

By: /s/ Nina T. Pirrotti

Nina T. Pirrotti (ct26792)

Joshua R. Goodbaum (ct28834)

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COUNSEL FOR THE PLAINTIFF



**CERTIFICATION**

I HEREBY CERTIFY that on this 16th day of February, 2015, a copy of the foregoing was filed electronically [and served by mail on anyone unable to accept electronic filing]. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system [or by mail to anyone unable to accept electronic filing]. Parties may access this filing through the Court's system.

/s/ Nina T. Pirrotti

Nina T. Pirrotti

# EXHIBIT A

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UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

|                   |   |                  |
|-------------------|---|------------------|
| HOPE DAVILA,      | : | CIVIL ACTION NO. |
| <i>Plaintiff,</i> | : | 3:14-cv-569 ( )  |
| vs.               | : |                  |
| HUGH DOUGLAS,     | : |                  |
| <i>Defendant.</i> | : | April 28, 2014   |

**COMPLAINT**

**I. INTRODUCTION**

1. The plaintiff, Hope Davila, is a resident of the State of Connecticut. She brings this action against defendant, Hugh Douglas, to redress injuries she suffered as a result of the defendant’s harmful and offensive conduct.

**II. JURISDICTION**

2. Jurisdiction is conferred on this Court by 28 U.S.C. Section 1332 and Section 1391.

**III. VENUE**

3. Pursuant to 28 U.S.C. §1391(b), venue is proper within this District since the events alleged herein took place in Connecticut and all of the conduct underlying the plaintiff’s claims occurred in Connecticut.

**IV. PARTIES**

4. The plaintiff, Hope Davila, is a resident of Hartford, Connecticut.

5. The defendant, Hugh Douglas, is a resident of Bryn Mawr, Pennsylvania.

## V. FACTS

6. Prior to the events of September 22, 2013, Ms. Davila and Mr. Douglas had been involved in a romantic relationship for approximately eight months. Throughout their relationship Mr. Douglas kept the fact that he was married hidden from Ms. Davila.

7. On September 22, 2013, Ms. Davila and Mr. Douglas had planned to spend the night together at Mr. Douglas's hotel room at the Marriott Hotel in Hartford, Connecticut.

8. While in the hotel room Ms. Davila and Mr. Douglas quarreled and Ms. Davila decided to go home.

9. Ms. Davila left Mr. Douglas' hotel room, walked down the hall and was about to enter the elevator when Mr. Douglas suddenly appeared and pulled her away from the elevator.

10. Mr. Douglas then lifted Ms. Davila up by her neck and began "walking" her down the hall by the neck, with her legs dangling in the air, asphyxiating her.

11. Mr. Douglas is six foot two and weighed approximately 280 pounds on the night of the assault. Ms. Davila is five-foot-five and weighed approximately 125 pounds on the night of the assault.

12. During the assault, Mr. Douglas repeatedly banged Ms. Davila's head against the hallway wall after which Ms. Davila lost consciousness.

13. Ms. Davila briefly regained consciousness at the doorway to Mr. Douglas' hotel room as Mr. Douglas banged the back of Ms. Davila's head into the door's privacy latch and stated to her: "That's what you get for not listening to me." Ms. Davila lost consciousness again.

14. When Ms. Davila regained consciousness for the second time, she was lying on the bed in Mr. Douglas's hotel room.

15. Mr. Douglas was sweating and pacing back and forth.

16. Ms. Davila was in pain and told Mr. Douglas that she wanted to go home.

17. Mr. Douglas insisted that Ms. Davila stay and informed her she had a concussion.

Mr. Douglas then had sex with Ms. Davila even though she was in no condition to be a willing participant.

18. Mr. Douglas finally permitted Ms. Davila to leave the room.

19. When Ms. Davila arrived in the hotel lobby she asked the concierge if there were video surveillance cameras in the hallway.

20. The concierge, observing that Ms. Davila was distraught and had bruises all over her neck, asked if she was okay.

21. Ms. Davila replied that she was not and that she had been assaulted.

22. Although Ms. Davila wanted to go home, the concierge and hotel security convinced Ms. Davila to stay and called for the police and an ambulance.

23. When the police arrived, Officer McCullough approached Ms. Davila. He immediately noticed red marks on both sides of her neck and a bump on the back of her head. Ms. Davila initially stated to him that she just wanted to go home and that nothing happened. When Officer McCullough pressed her on her clearly visible injuries, she acknowledged that Mr. Douglas had indeed assaulted her but stated that she did not want anything to happen to Mr. Douglas.

24. The police then questioned Mr. Douglas. After he gave his version of the events, they arrested Mr. Douglas on felony strangulation and assault charges.

25. The EMTs who arrived on the scene assessed Ms. Davila's condition. Their record reveals their observations: "Patient has strangulation marks on her neck, as well as

abrasions [sic] on the back of her neck.” Ms. Davila told the EMTs what had happened: “Patient stated she was in a hotel room with a friend, tried to leave, and the friend became angry, and choked her. Patient stated she woke up on the bed, with a baseball sized hematoma on the back left of her head.”

26. The EMTs determined that they needed to take Ms. Davila to the hospital by ambulance. Ms. Davila was treated at the hospital for a concussion and a large hematoma to the back of her skull.

27. Her medical providers at Hartford Hospital asked Ms. Davila whether she wanted to have a rape kit performed. She declined.

28. On February 10, 2014, Mr. Douglas pleaded no contest to a misdemeanor in connection with his assault of Ms. Davila.

29. The attack in September 2013 was not the first time that Mr. Douglas assaulted Ms. Davila. In May 2013, while Ms. Davila was visiting Mr. Douglas at his apartment, she saw several signs that he was having a relationship with another woman. Ms. Davila accused Mr. Douglas of cheating on her. Ms. Davila gathered her belongings to leave the apartment, but Mr. Douglas physically stopped her from leaving. He choked her, threw her to the floor several times, smacked her repeatedly and dragged her around the floor.

30. Several months later, in August 2013, the two got into another argument at Mr. Douglas’s apartment. Once again, when Ms. Davila decided to leave, Mr. Douglas got angry. He grabbed her and slung her onto his marble kitchen countertop, choking her against the counter.

31. Ms. Douglas assaulted Ms. Davila another time that same summer after he became angry at her because she did not want to leave a nightclub when he wanted to leave. As

soon as they got into his car and pulled out of the parking lot, Mr. Douglas yanked Ms. Davila by her ponytail and slammed her forehead on the dashboard. In so doing, he pulled a chunk of her hair out and she sustained a bump on her forehead.

32. Each time Dr. Douglas assaulted Ms. Davila he would apologize and promise not to do it again. Ms. Davila cared deeply for Mr. Douglas and continued her relationship with him each time in the hope that he would keep his promise to her.

33. On September 22, 2013, Mr. Douglas assaulted Ms. Davila so brutally, she thought he was going to kill her.

34. Ms. Davila experienced pain in the back of her skull for months following the September 22<sup>nd</sup> assault and continues to suffer emotionally as a result of Mr. Douglas's conduct toward her.

35. Ms. Davila also sustained out of pocket expenses for the medical treatment she received as a result of Mr. Douglas's conduct toward her.

**VI. COUNT ONE – Assault**

36. Paragraphs 1 – 35 are hereby reincorporated the same as if fully pled in this First Count.

37. On or about September 22, 2013, Mr. Douglas intentionally caused Ms. Davila to imminently apprehend that she would be subjected to harmful or offensive contact.

38. Mr. Douglas acted with reckless indifference to Ms. Davila's rights or with an intentional and wanton violation of those rights.

39. As a result of Mr. Douglas' conduct Ms. Davila suffered injury.

**VII. COUNT TWO – Battery**

40. Paragraphs 1 – 35 are hereby reincorporated the same as if fully pled in this Second Count.

41. On or about September 22, 201, Mr. Douglas made harmful or offensive contact with Ms. Davila, to which she did not consent.

42. Mr. Douglas acted with reckless indifference to Ms. Davila’s rights or with an intentional and wanton violation of those rights.

43. As a result of said contact, Ms. Davila suffered injury.



**VIII. PRAYER FOR RELIEF**

WHEREFORE, the plaintiff, Hope Davila, respectfully prays that this Court take jurisdiction over this case and grant judgment against defendant, Hugh Douglas. The plaintiff prays that the following relief be ordered:

- a. that the plaintiff be awarded the economic damages that she has suffered to date;
- b. that the plaintiff be awarded damages for the physical harm she has suffered;
- c. that plaintiff be awarded damages for the emotional harm she has suffered;
- d. that plaintiff be awarded punitive damages; and
- e. that plaintiff be awarded such other relief as the Court deems just and proper.

**RESPECTFULLY SUBMITTED,  
THE PLAINTIFF**

By: /s/ Nina T. Pirrotti

Nina T. Pirrotti

*Federal Bar No.: ct26792*

GARRISON, LEVIN-EPSTEIN, RICHARDSON,  
FITZGERALD & PIRROTTI, P.C.

405 Orange Street

New Haven, CT 06511

Tel.: (203) 777-4425 / Fax: (203) 776-3965

E-mail: [Npirrotti@garrisonlaw.com](mailto:Npirrotti@garrisonlaw.com)

and

Gloria Allred (*to be admitted phv*)

Nathan Goldberg (*to be admitted phv*)

ALLRED, MAROKO & GOLDBERG

6300 Wilshire Boulevard, Suite 1500

Los Angeles, CA 90048

Tel.: (323) 302-4774 / Fax: (323) 653-1660

E-mail: [gallred@amglaw.com](mailto:gallred@amglaw.com)

[ngoldberg@amglaw.com](mailto:ngoldberg@amglaw.com)

COUNSEL FOR THE PLAINTIFFS

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

|                   |   |                  |
|-------------------|---|------------------|
| HOPE DAVILA,      | : | CIVIL ACTION NO. |
| <i>Plaintiff,</i> | : | 3:14-cv-569 ( )  |
| vs.               | : |                  |
| HUGH DOUGLAS,     | : |                  |
| <i>Defendant.</i> | : | April 28, 2014   |
|                   | : |                  |

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial on all claims so triable in this lawsuit.

**RESPECTFULLY SUBMITTED,  
THE PLAINTIFF**

By: /s/ Nina T. Pirrotti  
 Nina T. Pirrotti  
 Fed. Bar No.: ct26792  
 GARRISON, LEVIN-EPSTEIN, RICHARDSON,  
 FITZGERALD & PIRROTTI, P.C.  
 405 Orange Street  
 New Haven, CT 06511  
 Tel.: (203) 777-4425 / Fax: (203) 776-3965  
 E-mail: [Npirrotti@garrisonlaw.com](mailto:Npirrotti@garrisonlaw.com)

and

Gloria Allred (*to be admitted phv*)  
 Nathan Goldberg (*to be admitted phv*)  
 ALLRED, MAROKO & GOLDBERG  
 6300 Wilshire Boulevard, Suite 1500  
 Los Angeles, CA 90048  
 Tel.: (323) 302-4774 / Fax: (323) 653-1660  
 E-mail: [gallred@amglaw.com](mailto:gallred@amglaw.com)  
[ngoldberg@amglaw.com](mailto:ngoldberg@amglaw.com)

COUNSEL FOR THE PLAINTIFFS

# EXHIBIT B

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theJasmineBRAND.com

theJasmineBRAND.com

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

|               |   |                   |
|---------------|---|-------------------|
| HOPE DAVILA,  | : | CIVIL ACTION NO:  |
|               | : |                   |
| Plaintiff,    | : | 3:14-cv-569 (JCH) |
|               | : |                   |
| v.            | : |                   |
|               | : |                   |
| HUGH DOUGLAS, | : |                   |
|               | : |                   |
| Defendant.    | : | December 1, 2014  |
|               | : |                   |

**PLAINTIFFS' RULE 26 DISCLOSURE**

The plaintiff, through counsel, pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, makes the following disclosures.

**(A) Parties with Information Relating to the Claims or Defenses**

1. Hope Davila, c/o Garrison, Levin-Epstein, Richardson, Fitzgerald & Pirrotti, P.C., 405 Orange Street, New Haven, Connecticut 06511 (hereinafter "Garrison, Levin-Epstein"). Ms. Davila has knowledge as to all aspects of her complaint as well as her damages.
2. Hugh Douglas, Furlong and Krasny, 820 Bear Tavern Road, Suite 304, West Trenton, NJ 08628. Mr. Douglas has knowledge as to the events of the evening of September 21, 2013 and/or the early morning of September 22, 2013 as well as the parties' relationship prior to the events of that night.
3. Security guards working at the Marriott Hotel, 200 Columbus Boulevard, Hartford, CT, in the evening of September 21, 2013 and/or the early morning of September 22, 2013. The security guards have knowledge concerning the scene in Mr. Douglas's hotel room and the appearance of Ms. Davila that night.
4. Jose Camargo, c/o Marriott Hotel, 200 Columbus Boulevard, Hartford, CT. Mr. Camargo has knowledge concerning the injuries sustained by Ms. Davila in the evening of September 21, 2013 and/or the early morning of September 22, 2013 as well as Ms. Davila's statements and conduct that night.
5. Joshua Rosenthal, c/o American Medical Response. Mr. Rosenthal has knowledge concerning the injuries that Ms. Davila alleges were inflicted by Mr. Douglas.

6. Jeremy D. Fried, MD, c/o Hartford Hospital. Dr. Fried has knowledge concerning the injuries that Ms. Davila alleges were inflicted by Mr. Douglas.
7. Sarah Martino, RN, c/o Hartford Hospital. Ms. Martino has knowledge concerning the injuries that Ms. Davila alleges were inflicted by Mr. Douglas.
8. Officer S. McCullough, c/o Hartford Police Department. Officer McCullough has knowledge concerning his investigation of Ms. Davila's criminal complaint.
9. Deborah A. Thomas, Ph.D., 10 North Main Street, Suite 305, West Hartford, CT 06107. Dr. Thomas has knowledge concerning Ms. Davila's psychological injuries as a result of the events of the evening of September 21, 2013 and/or the early morning of September 22, 2013.
10. Maryanne L. Ludgin, ACSW, LCSW, 664 Prospect Avenue, Hartford, CT 06105. Ms. Ludgin has knowledge concerning Ms. Davila's psychological injuries as a result of the events of the evening of September 21, 2013 and/or the early morning of September 22, 2013.

**(B) Documents Relating to the Claims or Defenses**

1. Records from American Medical Response (Sept. 22, 2013).
2. Records from Hartford Hospital (Sept. 22, 2013).
3. Incident Report from Hartford Police Department (Sept. 22, 2013).
4. Photographs of H. Davila from the Hartford Police Department.
5. Additional documents from the Hartford Police Department concerning its investigation of Ms. Davila's criminal complaint.
6. Report of Deborah A. Thomas, Ph.D. (Apr. 7, 2014).
7. Records of Maryanne L. Ludgin, ACSW, LCSW.
8. Text messages between H. Davila and H. Douglas (Aug. 14-Sept.17, 2013).
9. Medical bills from American Medical Response, Hartford Hospital, D. Thomas, and M. Ludgin.

**(C) Damages**

The plaintiff seeks the following relief:

1. Economic damages she has suffered to date;

2. Compensatory damages related to the pain and suffering she has experienced as a result of the defendant's conduct; and
3. Such other relief as the Court deems just and proper.

\* \* \*

The plaintiff reserves the right to supplement this response based upon materials that become available during the discovery process.

**THE PLAINTIFF**

By: /s/ Nina T. Pirrotti  
Nina T. Pirrotti (ct26792)  
Joshua R. Goodbaum (ct28834)  
GARRISON, LEVIN-EPSTEIN, RICHARDSON,  
FITZGERALD & PIRROTTI, P.C.  
405 Orange Street  
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Tel.: (203) 777-4425  
Fax: (203) 776-3965  
E-mail: [npirrotti@garrisonlaw.com](mailto:npirrotti@garrisonlaw.com)

and

Gloria Allred (*admitted pro hac vice motion*)  
Nathan Goldberg (*admitted pro hac vice*)  
ALLRED, MAROKO & GOLDBERG  
6300 Wilshire Boulevard, Suite 1500  
Los Angeles, CA 90048  
Tel.: (323) 302-4774  
Fax: (323) 653-1660  
E-mail: [gallred@amglaw.com](mailto:gallred@amglaw.com)  
[ngoldberg@amglaw.com](mailto:ngoldberg@amglaw.com)

COUNSEL FOR THE PLAINTIFF

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by **electronic mail only** this 1st day of December, 2014, to the following counsel of record:

John S. Furlong, Esq.  
FURLONG AND KRASNY  
Mountain View Office Park  
820 Bear Tavern Road, Suite 304  
West Trenton, NJ 08628  
[jfurlong@furlongandkrasny.com](mailto:jfurlong@furlongandkrasny.com)

*/s/ Nina T. Pirrotti*  
\_\_\_\_\_  
Nina T. Pirrotti

# EXHIBIT C

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UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

|                      |   |                          |
|----------------------|---|--------------------------|
| <b>HOPE DAVILA,</b>  | : | <b>CIVIL ACTION NO.</b>  |
| <i>Plaintiff,</i>    | : | <b>3:14-cv-569 (JCH)</b> |
| <b>vs.</b>           | : |                          |
| <b>HUGH DOUGLAS,</b> | : |                          |
| <i>Defendant.</i>    | : | <b>December 1, 2014</b>  |
|                      | : |                          |

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

Pursuant to Federal Rules of Civil Procedure 26, 33 and 34, plaintiff, HOPE DAVILA, hereby requests that the defendant, HUGH DOUGLAS, produce answers to the following interrogatories within thirty days, and requests that the defendant make available for inspection and produce legible copies of all requested documents in the defendant's possession, custody or control for inspection and/or copying at the office of the undersigned counsel within thirty (30) days of the date hereof. These Interrogatories and Requests for Production shall be deemed to be continuing in accordance with Rule 26(e) of the Federal Rules of Civil Procedure. Defendant is requested to provide supplemental responses if he or anyone acting on his behalf obtains additional information or documents that will change, augment or modify Defendant's initial answer or production. Such supplementary responses are to be served on Plaintiff's counsel within 30 days of Defendant's receipt of such information or document.

**INSTRUCTIONS**

1. Documents responsive to the Requests for Production must be produced at Garrison Levin-Epstein Richardson Fitzgerald & Pirrotti, 405 Orange Street New Haven, CT

06511 within 30 days from service unless otherwise specified or agreed upon by counsel. Other than photographic negatives, it is sufficient to produce true copies of originals of documents.

2. In answering the Requests for Production, you are required to furnish all documents in their entirety, without abbreviation or expurgation, that are in your possession or available to you, including documents in the possession of your agents or representatives, attorney(s) or anyone else acting on your behalf or subject to your direct or indirect control.

3. Documents should be grouped, separated and filed according to the Request for Production to which they are responsive, with an identifying mark indicating the number of the Request to which the particular document or group of documents is responsive.

4. With respect to any information or document that is withheld in whole or in part on the ground of privilege, please provide a privilege log in accordance with Local Civil Rule 37(a) of the U.S. District Court for the District of Connecticut.

5. If the answer to any interrogatory is that you lack knowledge of the requested information, describe all efforts made by you to obtain the information.

6. If any document requested to be produced was but is no longer in your possession or control, or is no longer in existence, state whether it is (a) missing, lost, destroyed, or transferred voluntarily or involuntarily to others and, if so, to whom, and (b) provide any information available to you which might be helpful in locating originals or copies of the document.

#### **DEFINITIONS**

The following definitions apply to these Interrogatories and Requests for Production:

1. The term "document" is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a) and includes electronically stored or transmitted information. A draft or non-identical copy is a separate document within the meaning of this term.

2. "Person" means any natural person, or any business, legal or governmental entity or association.

3. "Identify" means, when used with respect to a communication, to:

- (a) State whether the communication was written, oral, telephonic, electronic mail, or by some other means (if by another means, specify);
- (b) State the substance of the communication;
- (c) State the date of the communication;
- (d) State the place of receipt of the communication;
- (e) Identify all parties to the communication;
- (f) Identify all witnesses to the communication; and
- (g) Identify all documents recording the communication or the substance of the communication.

4. "Identify" means, when used with respect to a document, to provide a description of (a) the type of document; (b) its general subject matter; (c) its date; (d) the names of author(s), address(es), and recipient(s); and (e) its current location. In the alternative, you may attach a true copy of the document to your answers to the interrogatories, identifying it in a manner that will distinguish it from all other copies of documents produced at the same time.

5. "Identify" means, when used with respect to a person, to state the person's full name, present or last known address, telephone number, and present or last known title, position and business affiliation.

6. The terms "relate," "related," "relating to," or any variation thereof are to be used in their broadest sense and shall mean to refer to, discuss, involve, support, evidence, reflect, deal with, or in any way pertain to, in whole or in part, the subject.

7. Whenever appropriate, the singular form of a word shall be interpreted as plural, and the plural form of a word shall be interpreted as singular.

8. Whenever appropriate, "he" or "his" shall be interpreted as "she" or "her".

9. "And" and "or" shall be construed disjunctively or conjunctively as necessary to make the interrogatory inclusive rather than exclusive.

10. "You" means defendant Hugh Douglas or any person or entity purporting to act on your behalf.

*INTERROGATORIES*

1. Identify all persons with whom you have communicated about Ms. Davila. Please provide the dates of the communications, approximated if necessary, and a summary of the communications.

2. Identify all persons who have accused you of assault, battery, or violent threats, since 2004.

*REQUESTS FOR PRODUCTION*

1. All documents or communications relating to Ms. Davila.
2. All photographs of Ms. Davila.
3. Your complete tax returns from 2011 to present.
4. All documents (including photographs) relating to arrest and the criminal action against you as a result of your conduct toward Ms. Davila in the evening of September 21, 2013 and/or the early morning hours of September 22, 2013.
5. All documents from 2004 to present relating to any accusation that you committed assault, battery, or violent threats, including but not limited to your conduct at ESPN in or about August 2013 which culminated in your termination from ESPN and any incidents of domestic violence for you were arrested.
6. All documents relating to any physical injury you allege you suffered as a result of the conduct of Ms. Davila.
7. All documents relating to any treatment you have received for anger management or violence.
8. All communications between you and Ms. Davila.

**THE PLAINTIFF,**

By: 

Nina T. Pirrotti

*Fed. Bar No.: ct26792*

GARRISON, LEVIN-EPSTEIN, RICHARDSON,

FITZGERALD & PIRROTTI, P.C.

405 Orange Street

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E-mail: [Npirrotti@garrisonlaw.com](mailto:Npirrotti@garrisonlaw.com)

and

Gloria Allred (*admitted Pro Hac Vice*)

Nathan Goldberg (*admitted Pro Hac Vice*)

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E-mail: [gallred@amglaw.com](mailto:gallred@amglaw.com)

[ngoldberg@amglaw.com](mailto:ngoldberg@amglaw.com)

COUNSEL FOR THE PLAINTIFFS

**CERTIFICATION**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished  
*via electronic mail* only this 1<sup>st</sup> day of December, 2014, to:

Corey J. Brinson, Esq.  
LAW OFFICE OF COREY J. BRINSON, LLC  
750 Main Street, Suite 902  
Hartford, CT 06103  
[E-mail: [corey@brinsonlegal.com](mailto:corey@brinsonlegal.com)]

John S. Furlong, Esq.  
FURLONG AND KRASNY  
Mountain View Office Park  
820 Bear Tavern Road, Suite 304  
West Trenton, NJ 08628  
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Nisha T. Pirrotti

# EXHIBIT D

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Furlong and Krasny  
820 Bear Tavern Road  
Suite 304  
West Trenton, NJ 08628  
609-882-0288

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---

**From:** Nina T. Pirrotti [<mailto:NPirrotti@garrisonlaw.com>]  
**Sent:** Monday, January 05, 2015 11:35 AM  
**To:** John Furlong  
**Subject:** Davila v. Douglas

Happy New Year, Jack.

Please let me know when we can expect to receive a response to our discovery requests.

Best,

Nina

Nina T. Pirrotti, Esq.  
Garrison, Levin-Epstein, Richardson, Fitzgerald & Pirrotti, P.C.  
405 Orange Street  
New Haven, CT 06511  
Tel. (203)-777-4425  
Fax (203) 776-3965  
[npirrotti@garrisonlaw.com](mailto:npirrotti@garrisonlaw.com)

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# EXHIBIT E

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Nina T. Pirrotti, Esq.  
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---

**From:** John Furlong [<mailto:jfurlong@furlongandkrasny.com>]  
**Sent:** Monday, January 05, 2015 12:36 PM  
**To:** Nina T. Pirrotti  
**Subject:** RE: Davila v. Douglas

Nina,

We will get you response well in advance to the deposition date. With respect to production, I note the following:

first, we have sent you all the documents we have on the criminal investigation and disposition. Second, we have no documents with respect to the ESPN affair. Despite my best efforts, ESPN took the position that their internal investigation was just that and refused to produce any statements or memoranda of interview. If you subpoena their files, we will not move to quash. Third, we have my client's cell phone to produce (and I'm assuming you have access to yours), but we don't want to mess up the preservation of what is on it. I'm open to suggestion as to a method for producing screen shots of all texts, photos, call history, etc., without resorting to my limited forensic skills. Fourth, I do not believe we have any medical records for treatment of my client's bloody nose, but I will verify that. Fifth, I have asked for copies of tax returns and should have them shortly. Sixth, I will have an answer to your first interrogatory hopefully by the end of this week. Finally, with respect to what I will refer to as your demand for Rule 404(b) materials, I have no present knowledge or possession of any relevant documents. If you are aware of a specific incident, please give me some guidance to investigate. Otherwise, answer to your second interrogatory would be "none."

My client is working in Atlanta on February 1st and was planning to drive to New Jersey immediately after getting off the air. He has asked if it is at all possible to move the deposition to February 3rd. I told him I would ask, recognizing the constraints of air travel, etc. Please let me know if a one-day push would not work.

I think that covers our immediate needs. My demands for discovery will come under separate cover.

Thanks as always,

Jack

John S. Furlong

# EXHIBIT F

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theJasmineBRAND.com

**Nina T. Pirrotti**

---

**From:** Nina T. Pirrotti  
**Sent:** Wednesday, January 14, 2015 11:48 AM  
**To:** 'John Furlong'  
**Cc:** Nathan Goldberg (NGoldberg@amglaw.com); Gloria Allred (GAllred@amglaw.com)  
**Subject:** RE: Davila v. Douglas

Hello Jack,

We are getting close to the deposition date and need written responses to our interrogatories and document requests, as well as production of the documents themselves, both of which were due on December 31st. With respect to Document Request No. 1 which calls for all communications concerning our client and Document Request No. 8, which calls for all communications between your client and ours, for now, please produce screen shots of all texts and photos, videos, etc. You can then bring Mr. Douglas's phone to the deposition and, if it turns out we need more information (such as call history), we can discuss then how to retrieve it. Please note that we have asked for all communications so if there are any in any format other than text (such as e-mail), we expect that you will produce those as well. With respect to Document Request No. 5 which calls for "all documents from 2004 to present relating to any accusation that you committed assault, battery, or violent threats . . . and any incidents of domestic violence for you were arrested" (which you describe as 404b materials), we ask that you make inquiry of your client as to whether such documents exist and, if so, that you produce them.

Please let us know when we can expect to receive your responses.

Best,

Nina

Nina T. Pirrotti, Esq.  
Garrison, Levin-Epstein, Richardson, Fitzgerald & Pirrotti, P.C.  
405 Orange Street  
New Haven, CT 06511  
Tel. (203)-777-4425  
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**Nina T. Pirrotti**

---

**From:** Nina T. Pirrotti  
**Sent:** Monday, January 26, 2015 1:39 AM  
**To:** John Furlong (jfurlong@furlongandkrasny.com)  
**Cc:** Gloria Allred (GAllred@amglaw.com); Nathan Goldberg (NGoldberg@amglaw.com)  
**Subject:** Davila/Douglas depositions

Hello Jack,

The deposition date for our clients is rapidly approaching and we have yet to receive your discovery responses. May we expect to receive them early this week? Also, per my last e-mail to you, please let me know whether you would like to use the same videographer as we plan on using to videotape your client's deposition.

Best,

Nina

Nina T. Pirrotti, Esq.  
Garrison, Levin-Epstein, Richardson, Fitzgerald & Pirrotti, P.C.  
405 Orange Street  
New Haven, CT 06511  
Tel. (203)-777-4425  
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[npirrotti@garrisonlaw.com](mailto:npirrotti@garrisonlaw.com)

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**Nina T. Pirrotti**

---

**From:** Nina T. Pirrotti  
**Sent:** Wednesday, January 28, 2015 4:32 PM  
**To:** John Furlong (jfurlong@furlongandkrasny.com)  
**Cc:** Gloria Allred (GAllred@amglaw.com); Nathan Goldberg (NGoldberg@amglaw.com); Joshua R. Goodbaum  
**Subject:** Davila v. Douglas  
**Attachments:** Joint Status Report DRAFT 1 29.15.docx  
**Importance:** High

Jack,

I have attached a draft joint status report. We would like to file it tomorrow and would appreciate it if you could get back to us with any edits by midafternoon tomorrow.

I have sent you several e-mail messages but have not heard back from you. Please let me know whether you would like to use our videographer. More importantly, may we expect your discovery responses tomorrow? We need time to review them prior to the deposition.

Thank you,

Nina

Nina T. Pirrotti, Esq.  
Garrison, Levin-Epstein, Richardson, Fitzgerald & Pirrotti, P.C.  
405 Orange Street  
New Haven, CT 06511  
Tel. (203)-777-4425  
Fax (203) 776-3965  
[npirrotti@garrisonlaw.com](mailto:npirrotti@garrisonlaw.com)

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# EXHIBIT G

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UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

HOPE DAVILA,

Plaintiff,

vs.

HUGH DOUGLAS,

Defendant.

CIVIL ACTION NO:

3:14-cv-569 (JCH)

**F.R. Civ.P., Rule 26**

**Defendant's Rule 26 disclosures and responses to interrogatories**

Pursuant to Fed. R. Civ. P., 26(a) and (b), defendant submits the following disclosures, which incorporate by reference responses to interrogatories propounded by plaintiff.

**Persons likely to have discoverable information:**

1. Hope Davila; 319 Hillside Avenue, Hartford, CT. (Plaintiff)
2. Hugh Douglas; 820 Bear Tavern Rod, West Trenton, NJ 08628 (Defendant).
3. Ron Wichowski, General Manager, Marriott Downtown Hotel, 200 Columbus Blvd.  
Hartford, CT.
4. Jose Camargo, Marriott. Front Desk Associate who first observed Ms. Davila in lobby.
5. Luke Taylor, Marriott. Security officer who dealt with Ms. Davila.
6. Joseph Shilinga, Marriott. Security officer who dealt with Ms. Davila.

7. Jennifer Ruhle, Marriott. Hotel manager at time of investigation of plaintiff's allegation.
8. Officer S. McCullough, Hartford PD. Took initial complaint from plaintiff.
9. Jeremy D. Fried, MD. 200 Columbus Blvd. Hartford, CT. Attending physician for Ms. Davila at Hartford Hospital.
10. Jalen Rose, c/o ESPN, 700 Birch Street, Bristol, CT 06010. Introduced defendant to plaintiff.
11. Custodian of Records, Bocca Rossa Wine Bar, 942 Main Street, Hartford, CT 06103. Venue where plaintiff and defendant met.
12. Custodian of Records, The Hair Color Company and Spa, 965 Farmington Avenue, West Hartford, CT 06107. Plaintiff's place of employment.
13. Marta Cendan – Owner, The Hair Color Company and Spa.
14. Savannah Messenger, stylist, The Hair Company and Spa.
15. Leslie Correnti, stylist, The Hair Company and Spa.
16. Natasia Cabral, stylist, The Hair Company and Spa.
17. Sejla Jahic, stylist, The Hair Company and Spa.
18. Mina Dervisi, stylist, The Hair Company and Spa.
19. Melanie Mouta, stylist, The Hair Company and Spa.
20. Jessica Martin, stylist, The Hair Company and Spa.
21. Alex Mireles, stylist, The Hair Company and Spa.
22. Darcy Apicella, stylist, The Hair Company and Spa.
23. Mari Rodriguez, administrative assistant, The Hair Company and Spa.
24. Kareem White, c/o ESPN, 700 Birch Street, Bristol, CT 06010. Personal knowledge of defendant and this case.

25. Marcus Matthews, c/o ESPN. Personal knowledge of defendant and this case.
26. Jamel Hill, c/o ESPN. Personal knowledge of defendant and this case.
27. Michael Smith, c/o ESPN. Personal knowledge of defendant and this case; had verbal dispute with defendant prior to defendant's termination from ESPN.
28. Shannon Cross, c/o NewsOne, 850 3rd Avenue, New York, NY 10022. Personal knowledge of defendant and this case.
29. Erin McPartland, c/o ESPN. Personal knowledge of defendant and this case; accused of improper conduct by plaintiff.
30. Jay Harris, c/o ESPN. Personal knowledge of defendant and this case.
31. Carlos Torres, Hartford, CT. Accused of sexual assault by plaintiff; claim later recanted.
32. Danielle LNU. Hartford, CT. Personal knowledge of defendant and this case.
33. Durrell LNU, Hartford, CT (on information and belief). Father of plaintiff's child; mentioned in text exchanges.
34. Anthony Stargell, LaGrange, GA. Friend of defendant. Received photos of plaintiff. Spring, 2013.
35. Robert Jones, Cincinnati. Friend of defendant. Received photos of plaintiff. Spring, 2013.
36. Lance Williams, Los Angeles. Friend of defendant. Received photos of plaintiff. Spring, 2013.

**Documents or electronically stored information in defendant's possession or control:**

1. Police and hotel security reports describing plaintiff's complaint of September 22, 2013, previously disclosed.
2. AT&T cell phone account 484-868-0345, including digital photos, video, text messages, and call history.
3. Facebook account, including instant messages from Facebook's Messenger program.

**Computation of damages:** N/A

**Insurance agreements to satisfy all or part of a possible judgment:** N/A.

Disclosure of Expert Testimony: Defendant is prepared to present expert testimony upon receipt of expert's reports from plaintiff supporting claims for damages. Evaluation of plaintiff pending.

**Answers to Interrogatories:**

1. Persons with whom defendant has communicated about Ms. Davila, primarily between February and September, 2013, see witness list above, particularly numbers 10, 24-30, 32, 34-36.
2. Persons who have accused defendant of assault, battery, or threats since 2004 include plaintiff; Michael Smith of ESPN, and an unknown female who lodged complaint that defendant bit her in 2003 or 2004 in Philadelphia.

**Requests for Production:**

1. Documents or communications-defendant is in possession of digital photographs, one video clip, and assorted text messages (including both cell phone and Facebook), as well as access to service providers with more complete data, all to be supplied by agreement as to format for production.
2. Photographs- see previous response.
3. Tax returns-defendant will produce tax returns as directed by court.
4. Documents from September 21, 2013 arrest-previously supplied.
5. Documents 2004-present relating to accusations of assault, etc.-None.
6. Documents related to injuries inflicted by plaintiff-none beyond references in text messages.

7. Anger management documents-defendant was ordered to complete anger management as part of disposition of criminal case where plaintiff was complainant; documents related to that counseling are privileged.
8. Communications between defendant and plaintiff-see number 1, above.

FOR THE DEFENDANT

FURLONG AND KRASNY

By: /s/ J.S. Furlong  
JOHN S. FURLONG  
FURLONG AND KRASNY  
MOUNTAIN VIEW OFFICE PARK  
820 BEAR TAVERN ROAD, SUITE 304  
WEST TRENTON, NJ 08628  
TELEPHONE NO.: (609) 882-0288  
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Federal *Pro Hac Vice* Bar No.: 06831

Dated: January 29, 2015

# EXHIBIT H

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---

**From:** Nina T. Pirrotti  
**Sent:** Friday, January 30, 2015 2:08 PM  
**To:** 'John Furlong'  
**Cc:** Gloria Allred (GAllred@amglaw.com); Nathan Goldberg (NGoldberg@amglaw.com)  
**Subject:** RE: Revised draft joint order

After reviewing your Rule 26 a responses, we will not be producing our client on Monday. I am in the process of drafting a letter to you outlining our reasons.

Nina T. Pirrotti, Esq.  
Garrison, Levin-Epstein, Richardson, Fitzgerald & Pirrotti, P.C.  
405 Orange Street  
New Haven, CT 06511  
Tel. (203)-777-4425  
Fax (203) 776-3965  
[npirrotti@garrisonlaw.com](mailto:npirrotti@garrisonlaw.com)

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**From:** John Furlong [<mailto:jfurlong@furlongandkrasny.com>]  
**Sent:** Friday, January 30, 2015 1:41 PM  
**To:** Nina T. Pirrotti  
**Subject:** Re: Revised draft joint order

Nina,  
Needless to say, we disagree on rules of discovery. That said, I'm still prepared to take plaintiff's deposition monday. Please advise if you will produce her.

Jack

On Jan 30, 2015, at 1:30 PM, Nina T. Pirrotti <[NPirrotti@garrisonlaw.com](mailto:NPirrotti@garrisonlaw.com)> wrote:

Jack,

The manner in which you have responded to our interrogatories and document requests is unacceptable and wholly inconsistent with your obligations under Federal Rules 26, 33 and 34.

I will send you a detailed e-mail later today outlining these deficiencies but for now, suffice it to say, we cannot go forward with the depositions on Monday.

Please cancel the court reporter.

Nina T. Pirrotti, Esq.  
Garrison, Levin-Epstein, Richardson, Fitzgerald & Pirrotti, P.C.  
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New Haven, CT 06511  
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# EXHIBIT I

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\* ALSO ADMITTED TO NEW YORK BAR

† ALSO ADMITTED TO MASSACHUSETTS BAR

^ ALSO ADMITTED TO DISTRICT OF COLUMBIA BAR

January 30, 2015

VIA E-MAIL: [jfurlong@furlongandkrasny.com](mailto:jfurlong@furlongandkrasny.com)

John S. Furlong, Esq.  
FURLONG AND KRASNY  
Mountain View Office Park  
820 Bear Tavern Road, Suite 304  
West Trenton, NJ 08628

**Re: Hope Davila v. Hugh Douglas  
Civil Action No.: 3:14-cv-00569-JCH (D. Conn.)**

Dear Jack:

I write to explain to you in fuller detail our reasons for postponing the deposition of your client and ours.

As you know, your client's responses to our interrogatories and document requests were due on December 31, 2014. Since that date, I reached out to you on January 5, 2015, January 14, 2015, January 26, 2015 and January 28, 2015 (e-mails attached) to urge you to produce those responses in sufficient time for us to make meaningful use of them at your client's deposition.

Yesterday, on January 29<sup>th</sup>, with just one full business day to go before your client's deposition, you submitted to me what purported to be a long overdue Rule 26a statement. I was travelling yesterday and when I reviewed the statement earlier today I noted that not only did your Rule 26 statement fail to contain the information required by the rule, you purported to include your client's responses to our discovery requests in the same document.

Your Rule 26a statement is deficient in a number of respects. Most importantly, it fails to include the subject matter on which each witness has knowledge. With respect to some of those witnesses, (e.g. "the front desk associate who first observed Ms. Davila in lobby" or "the officer

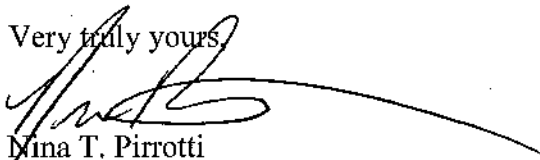
who “took initial complaint from plaintiff”) we can intuit the information about which that witness has knowledge. For the vast majority of them we cannot.

We are also deeply troubled by the majority of the 36 “witnesses” you identify as having discoverable information. This lawsuit is about whether Mr. Douglas assaulted Ms. Davila and the injuries sustained by her as a result. We can discern no legitimate reason for your naming of 12 of Ms. Davila’s co-workers, Ms. Davila’s ex-husband who is the father of her daughter, or three men who you claim “received photos of plaintiff” and view your naming of these individuals as a tactic designed to intimidate our client. Accordingly, we will be moving for a protective order to ensure that our client is not embarrassed or oppressed at her deposition pursuant to Rule 30d3(A).

Your purported responses to our discovery requests are similarly deficient. First, your interrogatory “responses” are not answered “separately and fully . . . under oath” as required by Rule 33B(3). There is also no signature by your client as required by Rule 33B(5). Second, your eleventh hour “responses” to our document requests indicating that they will be “supplied by agreement as to format for production” provide us with no opportunity to make use of them prior to your client’s scheduled deposition, contrary to Rule 34(b)(1)B which requires the party responding to “specify a *reasonable* time, place and manner for the inspection.” (emphasis added). Further, you have known since December 1, 2014 that we were requesting your client’s tax returns yet, despite my numerous e-mails to you requesting your responses to our discovery requests, you never intimated that you would not be producing them. In fact, you suggested just the opposite: in your e-mail to me of January 5<sup>th</sup> you stated that with respect to our Document Request No. 5 which calls for those tax returns: “I have asked for copies of tax returns and should have them shortly.” Finally, your statement that “defendant will produce tax returns as directed by court” does not comply with Rule 342(B) which requires the responding party to “state an objection to the request, including the reasons.”

Please consider this letter as part of the meet and confer process. If you do not provide us with a revised Rule 26a statement and responses to our discovery requests that comport with the federal rules by Wednesday, February 4th, we will file a motion to compel and a motion for a protective order. If those motions are necessary, we will ask the court to award fees and costs, including airfare and hotel for Mr. Goldberg, who was scheduled to fly in from California on Sunday for the depositions.

Very truly yours,

  
Nina T. Pirrotti  
[npirrotti@garrisonlaw.com](mailto:npirrotti@garrisonlaw.com)

NTP/cm

cc: Gloria Allred, Esq. -- [gallred@amglaw.com](mailto:gallred@amglaw.com)  
Nathan Goldberg, Esq. -- [ngoldberg@amglaw.com](mailto:ngoldberg@amglaw.com)  
ALLRED, MAROKO & GOLDBERG

# EXHIBIT J

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609.883.2551

February 2, 2015

Nina T. Pirrotti, Esq.  
405 Orange Street  
New Haven, CT 06511

*RE: Davila v. Douglas  
Docket No. 14-cv-569 (JCH)*

Dear Ms. Pirrotti:

Thanks for your letter of January 30, 2015. I'll admit it struck me as a mashup of mystifying and maddening, perhaps in a single synapse. This is not the first time plaintiff has invoked the very rules she has blithely ignored, which begs the question, to what end? Notwithstanding the plain reach of FRCv.P. 26 and our case management plan, you have the temerity to accuse me of wanton delay and wielding a "tactic designed to intimidate our client." Not satisfied with hyperbole and revisionism, you chose to tack on threats of sanction for good measure.

Let's start with the Court's scheduling order of July 17, 2014: "**Damages Analysis:** Any party with a claim...for damages will serve a damages analysis on or before **OCTOBER 1, 2014.**" (Emphasis in the original.) So far, we have one page of unsubstantiated medical expenses, i.e., no supporting documents, some dates, and I presume a suggestion that defendant is responsible for paying plaintiff's medical insurance premiums. Otherwise, no lost wages, no experts' reports, no calculation.

---

Mountain View Office Park  
820 Bear Tavern Road, Suite 304  
West Trenton, New Jersey  
08628

Nina T. Pirrotti, Esq.  
Garrison, Levin-Epstein, Richardson, Fitzgerald & Pirrotti, P.C.

February 2, 2015  
Page 2 of 4

“Discovery Deadline:...**FEBRUARY 1, 2015.**” (Same.) “**Discovery Relating To Expert Witnesses:** Unless otherwise ordered, a party intending to call any expert witness must comply with Fed. R. Civ. P. 26 (a)(2)(B).” (Same.) This is the Rule requiring a written report, C.V., prior testimony, and compensation, to have been supplied by January 1, 2015. I was allowed to read Dr. Thomas’ brief letter-report during settlement discussions, but I was not permitted to make a copy. I recall it as not very detailed, certainly well short of the requirements of the Rule. The social worker you listed, whom I presume has been seeing plaintiff, has tendered no records whatsoever. “Karen Benjamin” is a complete mystery.

Thereafter, we filed a joint motion to extend discovery two months. On December 1, 2014, you sent me your Rule 26 disclosures, still absent the information plainly set forth in the Rule and our joint discovery plan, which reads in pertinent part:

“The parties specifically agree that there are stored communications on at least two cell phones known to counsel. In addition, there may be electronic data stored on third party witnesses’ cell phones, postings on social media, and electronic mail relevant to the proceedings. The parties have agreed to maintain their current devices, avoid deletion of any stored messages or photographs, and consent to exchange of information necessary to service of subpoenas on third party providers in an effort to obtain comprehensive communications data.” No Facebook posts or messages; no other text messages than the ones you supplied to the Court; no names and addresses of witnesses “likely to have discoverable information” beyond some of those in the police and hospital reports.

On December 10, 2014, I sent you every relevant document in our possession. I also asked for dates to take your expert’s deposition, and to schedule your client for an IME, to which requests you were, and have remained, non-responsive. This is Rule 26: I should not have to file a formal demand.

At the same time, you have been insistent in demanding all the information relating to the “selfies” your client sent to mine during their relationship. There was your demand letter of May 5, 2014 (suggesting *inter alia* that I destroy evidence of the parties’ relationship), and our subsequent agreement that we preserve all electronic communications, and do so confidentially. You also propounded an interrogatory seeking all persons with whom defendant has communicated about Ms. Davila.

In making Rule 26 disclosures, I erred on the side of the broadest possible interpretation, in keeping with your first interrogatory. The witnesses listed are not those I would call to impeach plaintiff (which need not be disclosed.) Rather, they are persons with whom defendant might have “communicated about Ms. Davila.”

Against that backdrop, consider the names listed. Their relevance surely cannot be lost on plaintiff. Numbers 3-9 either work for Marriott or Hartford PD, or treated Ms. Davila. 10-11: Mr. Rose introduced the parties, at Bocca Rossa (all recited).

Nina T. Pirrotti, Esq.  
Garrison, Levin-Epstein, Richardson, Fitzgerald & Pirrotti, P.C.

February 2, 2015  
Page 3 of 4

12-23: I have little doubt Ms. Davila discussed the parties' relationship with her co-workers, but the obvious inference from the workplace names is that each of those listed would be familiar with any lost wages or work time, how Ms. Davila appeared when she showed up for work the same day as the incident, and whether her psychological injury prevented her from performing her duties the following year. I have not interviewed any of them, but I reserve the right to, should circumstances warrant.

24-30: These are present (or in one case perhaps, former) employees of ESPN, with whom defendant believes he discussed his relationship with Ms. Davila. He was working for ESPN at the time, socialized with these employees, and in some cases, with Ms. Davila at the same time. Two of those listed were aware of the incident between defendant and his co-hosts in Orlando that led to his severance from ESPN (Smith and Hill); one was out socially with the parties when Ms. Davila apparently accused her of having an inappropriate relationship with defendant (McPartland, as is recited.)

There are your expressed concerns about the remaining six names. Once again, we were simply trying to be expansive in handing over all information in our possession. Your client apparently had some kind of encounter with Mr. Torres (an off-duty police officer in Hartford) that is referenced in the text messaging. The same is true with respect to plaintiff's ex-husband (we only knew he was the child's father): there is a specific text exchange on this issue (notably, plaintiff claims of an ongoing, heated custody battle, which no doubt includes parental fitness evaluations, relevant to plaintiff's claims of psychological injury here). The woman between those two names is the person defendant believes supplied him with information on plaintiff's DUI arrest last summer. While that incident might not be relevant to plaintiff's liability claim, it may well bear on her claims of psychological incapacity.

Finally, you wanted to know if defendant disclosed the plaintiff's selfies to any third party. His best recollection is that he did so at the time they were sent to the three men listed, 34-36 (again, as is recited).

You raise three procedural objections to our responses. We are willing to have defendant sign the answers to interrogatories, and we will bifurcate the witness list accordingly, but we also read Rule 33 differently. It specifies that parties must respond, but demands a signature from the "person" who compiled the responses. In this case, because your only two questions resulted in adding the names we compiled for Rule 26 response, we skipped the step, recognizing that counsel's signature on a Rule 26 submission certifies to the accuracy of the information under Rule 26(g). As I have told you repeatedly, we have no independent information on the ESPN incident, and, responding to your second interrogatory, Mr. Douglas could not recall any details of the lone assault accusation listed, otherwise completely unfounded, from 2003 or 2004.

Nina T. Pirrotti, Esq.  
Garrison, Levin-Epstein, Richardson, Fitzgerald & Pirrotti, P.C.

February 2, 2015  
Page 4 of 4

With respect to the tax returns, we have encountered an objection from defendant's now-estranged wife, who also has possession of the documents. The returns are only relevant to a damages issue should your client prevail on a liability claim. In the end, we will likely need a court order to compel their production, properly redacted, because I do not represent the interests of Ms. Douglas. Your concern with our attention to "Rule 342B," which I took to mean Rule 34(b)(2)(B), is one we should address with the Court.

There remain two burrs under my saddle. First, I'm not aware that Mr. Goldberg will be authorized to interrogate my client at deposition, as I have no doubt you will do so. Then there is the matter of his firm's choosing to solicit your client for representation in this matter. While he may have done so in conformance with CT RPC 7.2 (a subject for another day), that does not impose on my client costs associated with counsel flying in from California. Mr. Goldberg's travel plans are of no concern to me, except to the extent we can accommodate his desire to attend a deposition.

Second, Rule 26(d)(2)(B) makes abundantly clear that defendant is not required to delay discovery because you are not satisfied with his. I was perfectly prepared to take your client's deposition today, despite plaintiff's deficient responses under Rule 26 and our case management plan. Your dissatisfaction with our responses did not entitle you to delay my discovery. As long as we are throwing sanctions talk around, your unilateral cancellation of my deposition might be a starting point.

It is not my intention to have our discovery process degenerate into a tirade of name calling. We should be able to manage our expectations with more courtesy than a presumption of bad faith by opposing counsel. I am free to meet and confer over the next two weeks, but I am starting a trial February 13<sup>th</sup> that will last four to six weeks. Please let me know your proposal to resolve our differences. Otherwise, I'm happy to make one.

Very truly yours,

/s/ J.S. Furlong

JOHN S. FURLONG

JSF/j



# EXHIBIT K

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† ALSO ADMITTED TO MASSACHUSETTS BAR

^ ALSO ADMITTED TO DISTRICT OF COLUMBIA BAR

February 4, 2015

VIA E-MAIL: [jfurlong@furlongandkrasny.com](mailto:jfurlong@furlongandkrasny.com)

John S. Furlong, Esq.  
FURLONG AND KRASNY  
Mountain View Office Park  
820 Bear Tavern Road, Suite 304  
West Trenton, NJ 08628

Re: **Hope Davila v. Hugh Douglas**  
**Civil Action No.: 3:14-cv-00569-JCH (D. Conn.)**

Dear Jack:

We are in receipt of your letter of February 2, 2015. Our responses are below.

Damages Analysis

On October 31, 2014, we provided you with a list of hospital and therapy expenses Ms. Davila has incurred. On January 16, 2015, we also provided you with Rule 26(a) documents, which included the bills in our possession related to those expenses. This is the first we are hearing that our damages analysis or the documents supporting that analysis are deficient. As we have explained to you, Ms. Davila's damages are for physical injury and emotional distress only. We have not alleged she had any damages associated with lost income.

Expert Witnesses

We have not yet designated expert witnesses. You will recall that, as our most recent joint status report reflects, we have asked the Court to permit us to designate any experts 30 days after your client is deposed.

### The Parties' Rule 26(a) Statements

We provided you with the plaintiff's Rule 26(a) statement on December 1, 2014. You never informed us of your belief that the plaintiff's Rule 26(a) statement was deficient in any respect. Indeed, even your February 2, 2015, letter does not specify the deficiencies you are now alleging. You provided us the defendant's Rule 26(a) statement on January 29, 2015, almost two months after the plaintiff's. The next day, we outlined in detail the deficiencies in that disclosure.

### "Selfie" Photographs of Ms. Davila

The "selfie" photographs of Ms. Davila, which she sent to Mr. Douglas during the course of their romantic relationship, have no bearing whatsoever on any of the issues in this case and therefore do not constitute "evidence." When we sent you our letter in May 2014, we were concerned that those photographs, which are highly personal, might be disseminated by your client, in violation of Ms. Davila's privacy rights. Your letter, stating that he has indeed sent those photographs to others, indicates that our concerns were well founded.

### Defendant's Responses to Plaintiff's Interrogatories

The defendant is obligated to provide us with sworn interrogatory responses. Even if his interrogatory responses are that he has "no independent information on the ESPN incident" and that he "could not recall any details of the lone assault accusation listed" (as asserted at page 3 of your February 2 letter), Mr. Douglas is nonetheless obligated to provide those answers under oath. Interrogatories must be answered "by the party to whom they are directed," Fed. R. Civ. P. 33(b)(1)(A), and "under oath," Fed. R. Civ. P. 33(b)(3). Rule 33 also makes clear that the attorney for the party cannot be one to sign the answers, as the attorney only signs the objections. Fed. R. Civ. P. 33(b)(5) ("The person who makes the answers must sign them, and the attorney who objects must sign any objections.").

### Defendant's Responses to Plaintiff's Document Requests

The defendant's belated position that he will not produce his tax returns until liability is established is without merit. The parties' Rule 26(f) plan does not contemplate bifurcated discovery. If Mr. Douglas had wanted to bifurcate discovery and/or the trial in this matter, he should have filed an appropriate motion under Rule 42(b). In any event, bifurcation in this case is inappropriate and unlikely to be granted, as "separation of issues for trial is not to be routinely ordered," Advisory Committee Notes to Fed. R. Civ. P. 42, and unlike the patent and highly technical litigation for which bifurcation is generally reserved, nothing about this lawsuit is particularly complicated. *See, e.g., Sunenblick v. Harrell*, 145 F.R.D. 314, 317 (S.D.N.Y. 1993) (Preska, J.).

Moreover, given that the defendant has not filed an objection to any of the plaintiff's document requests, including her request for Mr. Douglas's tax returns, he has waived his right to object and must produce the documents. *See, e.g., Horace Mann Ins. Co. v. Nationwide Mut. Ins. Co.*, 238 F.R.D. 536, 537-38 (D. Conn. 2006) (Smith, J.) ("A party who fails to file timely objections waives all objections . . ."). *See generally* Fed. R. Civ. P. 33(b)(4) ("Any ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure.").

Deposition Scheduling

We had every right to postpone Ms. Davila's deposition. As an initial matter, we had agreed that, given the long distance the parties and their counsel have to travel, we would conduct Mr. Douglas's and Ms. Davila's depositions on the same day. Accordingly, our decision to postpone Mr. Douglas's deposition necessarily required the postponement of Ms. Davila's. More importantly, though, the defendant's Rule 26(a) statement gave us a good faith basis for concern that you would use the deposition of Ms. Davila as an opportunity to embarrass her in contravention of the Federal Rules, and we wanted to discuss the scope of the deposition with you and seek a protective order, if necessary, before producing Ms. Davila.

Our Representation of Ms. Davila

Both Mr. Goldberg's law firm and mine represent Ms. Davila. Any of our attorneys would be permitted to take Mr. Douglas's deposition.

Your accusation that Mr. Goldberg's firm solicited Ms. Davila is patently false.

\* \* \*

We ask that you provide us with an amended Rule 26(a) statement which fully complies with the Rule, as well as formal responses to our interrogatories and document requests, including production of the documents themselves, by Friday, February 13, 2015. We further ask for your assurance that you will not attempt to embarrass Ms. Davila at her deposition by, among other areas of inappropriate inquiry, asking her about her sexual relationship with other individuals or showing her the intimate photographs she took of herself and sent to Mr. Douglas during the course of their romantic relationship. Please confirm by February 6, 2015, that you are prepared to honor these requests. If you are not prepared to do so, please tell us why you are not so that we may proceed accordingly.

Very truly yours,



Nina T. Pirrotti

[npirrotti@garrisonlaw.com](mailto:npirrotti@garrisonlaw.com)

NTP/jrg

cc: Gloria Allred, Esq. -- [gallred@amglaw.com](mailto:gallred@amglaw.com)  
Nathan Goldberg, Esq. -- [ngoldberg@amglaw.com](mailto:ngoldberg@amglaw.com)  
ALLRED, MAROKO & GOLDBERG

# EXHIBIT L

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UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

HOPE DAVILA,

Plaintiff,

vs.

HUGH DOUGLAS,

Defendant.

CIVIL ACTION NO:

3:14-cv-569 (JCH)

**F.R.Cv.P., Rule 33**

**Answers to Interrogatories and Request for Production of Documents**

**Persons with whom defendant has communicated about Ms. Davila, primarily between February and September, 2013:**

1. Ron Wichowski, General Manager, Marriott Downtown Hotel, 200 Columbus Blvd. Hartford, CT.
2. Jose Camargo, Marriott. Front Desk Associate who first observed Ms. Davila in lobby.
3. Luke Taylor, Marriott. Security officer who dealt with Ms. Davila.
4. Joseph Shilinga, Marriott. Security officer who dealt with Ms. Davila.
5. Jennifer Ruhle, Marriott. Hotel manager at time of investigation of plaintiff's allegation.
6. Officer S. McCullough, Hartford PD. Took initial complaint from plaintiff.
7. Jeremy D. Fried, MD. 200 Columbus Blvd. Hartford, CT. Attending physician for Ms. Davila at Hartford Hospital.



8. Jalen Rose, c/o ESPN, 700 Birch Street, Bristol, CT 06010. Introduced defendant to plaintiff.
9. Custodian of Records, Bocca Rossa Wine Bar, 942 Main Street, Hartford, CT 06103. Venue where plaintiff and defendant met.
10. Custodian of Records, The Hair Color Company and Spa, 965 Farmington Avenue, West Hartford, CT 06107. Plaintiff's place of employment.
11. Marta Cendan – Owner, The Hair Color Company and Spa.
12. Savannah Messenger, stylist, The Hair Company and Spa.
13. Leslie Correnti, stylist, The Hair Company and Spa.
14. Natasia Cabral, stylist, The Hair Company and Spa.
15. Sejla Jahic, stylist, The Hair Company and Spa.
16. Mina Dervisi, stylist, The Hair Company and Spa.
17. Melanie Mouta, stylist, The Hair Company and Spa.
18. Jessica Martin, stylist, The Hair Company and Spa.
19. Alex Mireles, stylist, The Hair Company and Spa.
20. Darcy Apicella, stylist, The Hair Company and Spa.
21. Mari Rodriguez, administrative assistant, The Hair Company and Spa.
22. Kareem White, c/o ESPN, 700 Birch Street, Bristol, CT 06010. Personal knowledge of defendant and this case.
23. Marcus Matthews, c/o ESPN. Personal knowledge of defendant and this case.
24. Jamel Hill, c/o ESPN. Personal knowledge of defendant and this case.
25. Michael Smith, c/o ESPN. Personal knowledge of defendant and this case; had verbal dispute with defendant prior to defendant's termination from ESPN.
26. Shannon Cross, c/o NewsOne, 850 3rd Avenue, New York, NY 10022. Personal

knowledge of defendant and this case.

27. Erin McPartland, c/o ESPN. Personal knowledge of defendant and this case; accused of improper conduct by plaintiff.
28. Jay Williams, c/o ESPN. Personal knowledge of defendant and this case.
29. Carlos Torres, Hartford, CT. Accused of sexual assault by plaintiff; claim later recanted.
30. Danielle LNU. Hartford, CT. Personal knowledge of defendant and this case.
31. Durrell LNU, Hartford, CT (on information and belief). Father of plaintiff's child; mentioned in text exchanges.
32. Anthony Stargell, LaGrange, GA. Friend of defendant. Received photos of plaintiff. Spring, 2013.
33. Robert Jones, Cincinnati. Friend of defendant. Received photos of plaintiff. Spring, 2013.
34. Lance Williams, Los Angeles. Friend of defendant. Received photos of plaintiff. Spring, 2013.

**Persons who have accused defendant of assault, battery, or threats since 2004:**

Plaintiff; Michael Smith of ESPN, and an unknown female who lodged complaint that defendant bit her in 2003 or 2004 in Philadelphia.

**Requests for Production:**

1. Documents or communications-defendant is in possession of digital photographs, one video clip, and assorted text messages (including both cell phone and Facebook), as well as access to service providers with more complete data, all to be supplied by agreement as to format for production.
2. Photographs- see previous response.
3. Tax returns-defendant will produce tax returns as directed by court.



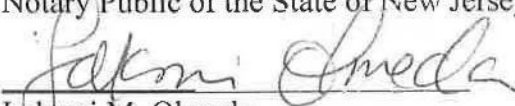
4. Documents from September 21, 2013 arrest-previously supplied.
5. Documents 2004-present relating to accusations of assault, etc.-None.
6. Documents related to injuries inflicted by plaintiff-none beyond references in text messages.
7. Anger management documents-defendant was ordered to complete anger management as part of disposition of criminal case where plaintiff was complainant; documents related to that counseling are privileged.
8. Communications between defendant and plaintiff-see number 1, above.

I, Hugh Douglas, being duly sworn upon my oath, do hereby certify that the foregoing statements made by me are true to the best of my knowledge, information and belief.

By:   
 HUGH DOUGLAS, DEFENDANT

Sworn to and Subscribed before me this 6<sup>th</sup> day of February, 2015,

Notary Public of the State of New Jersey



Laksmi M. Olmeda

My commission expires: March 21, 2018

**LAKSMI OLMEDA**  
**NOTARY PUBLIC OF NEW JERSEY**  
**ID # 2431471**  
**My Commission Expires 3/21/2018**

FOR THE DEFENDANT

FURLONG AND KRASNY

By:

/s/ J.S. Furlong

JOHN S. FURLONG

FURLONG AND KRASNY

MOUNTAIN VIEW OFFICE PARK

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EMAIL: [jfurlong@furlongandkrasny.com](mailto:jfurlong@furlongandkrasny.com)

Federal *Pro Hac Vice* Bar No.: 06831

Dated:

2/6/15

# EXHIBIT M

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UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

|                      |   |   |                          |
|----------------------|---|---|--------------------------|
| <b>HOPE DAVILA,</b>  | : | : | <b>CIVIL ACTION NO:</b>  |
| <b>Plaintiff,</b>    | : | : | <b>3:14-cv-569 (JCH)</b> |
| <b>v.</b>            | : | : |                          |
| <b>HUGH DOUGLAS,</b> | : | : |                          |
| <b>Defendant.</b>    | : | : | <b>February 16, 2015</b> |

**CERTIFICATE OF GOOD FAITH**

I, Nina T. Pirrotti, depose and state the following:

1. I represent the plaintiff, Hope Davila, in the above-entitled matter.
2. On December 1, 2014, I propounded interrogatories and document requests to the defendant. (Exh. C.)<sup>1</sup> The responses to these discovery requests were due on December 31, 2014. Timely responses would have provided us with ample time to make use of them prior to the defendant's deposition, which was scheduled (along with the plaintiff's) for February 2, 2015.
3. Following the due date for the responses, I reached out to the defendant's attorney, John S. Furlong, on January 5, 2015; January 14, 2015; January 26, 2015; and January 28, 2015. (Exhs. D & F.) On each occasion, I urged him to produce those responses in sufficient time for us to make meaningful use of them at his client's deposition.
4. Finally, on January 29, 2015, with just one full business day to go before the defendant's deposition, the defendant's attorney emailed to me what purported to be the defendant's long overdue Rule 26(a) statement. (Exh. G.)

<sup>1</sup> Exhibit letters refer to the exhibits to the Plaintiff's Memorandum of Law in Support of Her Motion to Compel Discovery and for Sanctions, filed herewith.

5. I was travelling by plane on January 29th. When I reviewed the document on January 30th, I noted that, not only did the defendant's Rule 26(a) statement fail to contain the information required by the Rule, but it purported to include the defendant's responses to the plaintiff's discovery requests in the same document.

6. Further, the statement listed 36 "witnesses" with no apparent relevance to the case, including 12 of Ms. Davila's co-workers; Ms. Davila's ex-husband, who is the father of her daughter; a person with whom Ms. Davila had had a romantic relationship; and three individuals to whom the defendant claimed he had sent photographs of Ms. Davila.

7. This lawsuit is about whether Mr. Douglas assaulted Ms. Davila — an assault to which there are no eyewitnesses — and the injuries sustained by her as a result. I could discern no legitimate reason for the defendant's naming of these witnesses, other than as a tactic designed to intimidate and humiliate the plaintiff.

8. On January 30th, immediately after reviewing the defendant's disclosures, I sent an email to Mr. Furlong advising him that we would not be in a position to go forward with the depositions of his client and ours, both scheduled for February 2, and informing him that I would send a letter detailing the reasons for my decision. (Exh. H.)

9. That same day, I wrote a letter to Mr. Furlong summarizing my concerns about the defendant's Rule 26(a) statement, his purported "responses" to the plaintiff's discovery requests, the witnesses the defendant named as having relevant information (where I could not discern none), and my ensuing concern that the defendant would use the plaintiff's deposition as a means to embarrass her. (Exh. I.)

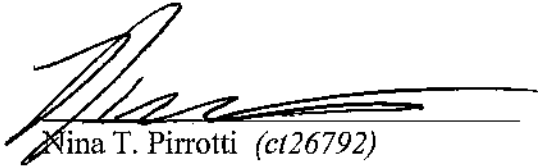
10. On February 2, 2015, Mr. Furlong responded to my letter. (Exh. J.) In his letter, he raised for the first time purported inadequacies in the plaintiff's Rule 26(a) disclosures (which

he had received on December 1, 2014) and implied that I had asked him to destroy “evidence” and that our co-counsel’s firm had solicited our client. He also claimed that we had no right to cancel Ms. Davila’s deposition.

11. On February 4, 2015, in a continuing effort to meet and confer on the issues I raised, I responded by letter to Mr. Furlong. (Exh. K.) In my letter, I explained why his objections to the plaintiff’s Rule 26(a) statement were unfounded. I also provided him with authority confirming his client’s obligation to provide the plaintiff with sworn interrogatory responses and to provide documents responsive to the plaintiff’s requests for discovery, including his client’s tax returns, since the defendant had not objected. I also explained to Mr. Furlong in further detail the reasons for postponing Ms. Davila’s deposition.

12. I concluded that letter by asking Mr. Furlong to provide the plaintiff with an amended Rule 26(a) statement which fully complied with the Rule, as well as formal responses to the plaintiff’s interrogatories and document requests, including production of the documents themselves, by Friday, February 13, 2015. I further asked Mr. Furlong for his assurance that he would not attempt to embarrass Ms. Davila at her deposition. Finally, I asked Mr. Furlong for confirmation by February 6, 2015, that he was prepared to honor these requests or, if he was not prepared to do so, to please tell us why. (*Id.*)

13. On February 9, 2015, Mr. Furlong emailed me a document that appeared identical to his Rule 26(a) statement. (Exh. L.) Upon closer inspection, I noted that the document's title read "Rule 33" instead of "Rule 26a"; that Mr. Douglas' signature appeared below the portion of the document which contained his purported discovery responses; and that two people who had "accused defendant of assault, battery, or threats since 2004" were named. There were no other apparent changes to the defendant's prior Rule 26(a) statement.



Nina T. Pirrotti (ct26792)