

THE STATE OF TEXAS,
Defendants.

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153rd JUDICIAL DISTRICT

PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Defendant, City of Elgin, by and through its Mayor, Marc Holm, 310 North Main Street, Elgin, Texas 78621.

Plaintiff, James H. Watson, on behalf of himself and others similarly situated (all hereinafter collectively referred to as "Watson"), hereby serves this, his First Set of Request for Production of Documents on Defendant, City of Elgin (hereinafter referred to as "Defendant"). Defendant is hereby requested to serve its response to these requests, and all documents responsive to these requests, at the office of Watson's attorney, Russell J. Bowman, 800 West Airport Freeway, Suite 860, Irving, Texas 75062, within 50 days after the service of these requests. Defendant is further instructed that its responses to these requests are continuing in nature, and that Defendant has a duty to supplement its responses to these requests when necessary, in accordance with Rule 193.5 of the Texas Rules of Civil Procedure.

As used herein, the terms "you", "your" and "Defendant" refer to Defendant, City of Elgin.

REQUESTS FOR PRODUCTION

1. Produce copies of all contracts executed by Defendant at any time from September 1, 2005 through the present with any entity, that relate in any way to the installation, leasing or selling of any equipment concerning or relating to Defendant's ordinances Sections 40-23 through 40-120, or any "photographic traffic signal enforcement system" as that term is defined in Section 707.001(3) of the Texas Transportation Code, including but not limited to, any contracts Defendant currently has, or had in the past with Redflex Traffic Systems, Inc., American Traffic Solutions, Inc., or Xerox State & Local Solutions, formerly known as ACS State & Local Solutions, Inc..

RESPONSE:

2. Produce copies of all contracts executed by Defendant at any time from September 1, 2005 through the present with any entity, that relate in any way to the maintenance, administration

and/or enforcement of Defendant's ordinances Sections 40-23 through 40-120, or any "photographic traffic signal enforcement system" as that term is defined in Section 707.001(3) of the Texas Transportation Code, including but not limited to, any contracts Defendant currently has, or had in the past with Redflex Traffic Systems, Inc., American Traffic Solutions, Inc., or Xerox State & Local Solutions, formerly known as ACS State & Local Solutions, Inc..

RESPONSE:

3. Produce all e-mails (and any enclosures or attachments to same) and correspondence (and any enclosures or attachments to same) at any time from September 1, 2005 through the present between anyone with or acting on behalf of Redflex Traffic Systems, Inc., American Traffic Solutions, Inc., or Xerox State & Local Solutions, formerly known as ACS State & Local Solutions, Inc. on the one hand, and anyone with or acting on behalf of Defendant, that relate in any way to any contract entered into between Redflex Traffic Systems, Inc., American Traffic Solutions, Inc., or Xerox State & Local Solutions, formerly known as ACS State & Local Solutions, Inc. and Defendant, or any marketing or other attempt(s) by Redflex Traffic Systems, Inc., American Traffic Solutions, Inc., or Xerox State & Local Solutions, formerly known as ACS State & Local Solutions, Inc. to sell install, administer or enforce automated red light traffic cameras, or any "photographic traffic signal enforcement system" as that term is defined in Section 707.001(3) of the Texas Transportation Code, within the city limits of Defendant.

RESPONSE:

4. Produce copies of all documents reflecting any payments made by Defendant during the year 2007 to any contractor, including but not limited to, Redflex Traffic Systems, Inc., American Traffic Solutions, Inc., or Xerox State & Local Solutions, formerly known as ACS State & Local Solutions, Inc., relating in any way to any work performed by said contractor pertaining in any way to Defendant's ordinances Sections 40-23 through 40-120, or any "photographic traffic signal enforcement system" as that term is defined in Section 707.001(3) of the Texas Transportation Code.

RESPONSE:

5. Produce copies of all documents reflecting any payments made by Defendant during the year 2008 to any contractor, including but not limited to, Redflex Traffic Systems, Inc., American Traffic Solutions, Inc., or Xerox State & Local Solutions, formerly known as ACS State & Local Solutions, Inc., relating in any way to any work performed by said contractor

pertaining in any way to Defendant's ordinances Sections 40-23 through 40-120, or any "photographic traffic signal enforcement system" as that term is defined in Section 707.001(3) of the Texas Transportation Code.

RESPONSE:

6. Produce copies of all documents reflecting any payments made by Defendant during the year 2009 to any contractor, including but not limited to, Redflex Traffic Systems, Inc., American Traffic Solutions, Inc., or Xerox State & Local Solutions, formerly known as ACS State & Local Solutions, Inc., relating in any way to any work performed by said contractor pertaining in any way to Defendant's ordinances Sections 40-23 through 40-120, or any "photographic traffic signal enforcement system" as that term is defined in Section 707.001(3) of the Texas Transportation Code.

RESPONSE:

7. Produce copies of all documents reflecting any payments made by Defendant during the year 2010 to any contractor, including but not limited to, Redflex Traffic Systems, Inc., American Traffic Solutions, Inc., or Xerox State & Local Solutions, formerly known as ACS State & Local Solutions, Inc., relating in any way to any work performed by said contractor pertaining in any way to Defendant's ordinances Sections 40-23 through 40-120, or any "photographic traffic signal enforcement system" as that term is defined in Section 707.001(3) of the Texas Transportation Code.

RESPONSE:

8. Produce copies of all documents reflecting any payments made by Defendant during the year 2011 to any contractor, including but not limited to, Redflex Traffic Systems, Inc., American Traffic Solutions, Inc., or Xerox State & Local Solutions, formerly known as ACS State & Local Solutions, Inc., relating in any way to any work performed by said contractor pertaining in any way to Defendant's ordinances Sections 40-23 through 40-120, or any "photographic traffic signal enforcement system" as that term is defined in Section 707.001(3) of the Texas Transportation Code.

RESPONSE:

9. Produce copies of all documents reflecting any payments made by Defendant during the year 2012 to any contractor, including but not limited to, Redflex Traffic Systems, Inc., American Traffic Solutions, Inc., or Xerox State & Local Solutions, formerly known as ACS State & Local Solutions, Inc., relating in any way to any work performed by said contractor pertaining in any way to Defendant's ordinances Sections 40-23 through 40-120, or any "photographic traffic signal enforcement system" as that term is defined in Section 707.001(3) of the Texas Transportation Code.

RESPONSE:

10. Produce copies of all documents reflecting any payments made by Defendant during the year 2013 to any contractor, including but not limited to, Redflex Traffic Systems, Inc., American Traffic Solutions, Inc., or Xerox State & Local Solutions, formerly known as ACS State & Local Solutions, Inc., relating in any way to any work performed by said contractor pertaining in any way to Defendant's ordinances Sections 40-23 through 40-120, or any "photographic traffic signal enforcement system" as that term is defined in Section 707.001(3) of the Texas Transportation Code.

RESPONSE:

11. Produce copies of all documents reflecting any payments made by Defendant during the year 2014 to any contractor, including but not limited to, Redflex Traffic Systems, Inc., American Traffic Solutions, Inc., or Xerox State & Local Solutions, formerly known as ACS State & Local Solutions, Inc., relating in any way to any work performed by said contractor pertaining in any way to Defendant's ordinances Sections 40-23 through 40-120, or any "photographic traffic signal enforcement system" as that term is defined in Section 707.001(3) of the Texas Transportation Code.

RESPONSE:

12. Produce copies of all documents reflecting any payments made by Defendant during the year 2015 to any contractor, including but not limited to, Redflex Traffic Systems, Inc., American Traffic Solutions, Inc., or Xerox State & Local Solutions, formerly known as ACS State & Local Solutions, Inc., relating in any way to any work performed by said contractor pertaining in any way to Defendant's ordinances Sections 40-23 through 40-120, or any "photographic traffic signal enforcement system" as that term is defined in Section 707.001(3) of the Texas Transportation Code.

RESPONSE:

13. For each red light camera system, or any “photographic traffic signal enforcement system” as that term is defined in Section 707.001(3) of the Texas Transportation Code, set up at any intersection approach within Defendant’s city limits, produce copies of all traffic engineering studies required by Section 707.003(c) of the Texas Transportation Code which were done or commissioned by Defendant before the installation of the red light camera system or “photographic traffic signal enforcement system” as that term is defined in Section 707.001(3) of the Texas Transportation Code at each such intersection approach.

RESPONSE:

14. For each intersection approach that was selected by Defendant for the installation of a red light camera system or “photographic traffic signal enforcement system” as that term is defined in Section 707.001(3) of the Texas Transportation Code, produce copies of all documents that relate in any way to any of the following which Defendant was required to consider under Section 707.003(d) of the Texas Transportation Code before installing each such red light camera system or “photographic traffic signal enforcement system”: traffic volume, the history of accidents at any intersection where Defendant has installed a red light camera, the frequency of red light violations at each such intersection, and similar traffic engineering and safety criteria, without regard to the ethnic or social economic characteristics of the area in which each such intersection is located.

RESPONSE:

15. Produce copies of all documents whereby, as required by Section 707.003(e) of the Texas Transportation Code, Defendant reported the results of all traffic engineering studies required of it by Section 707.003(c) of the Texas Transportation Code to any citizen advisory committee, and copies of all documents generated or produced by any such committee advising Defendant on the installation and/or operation of any red light camera system or “photographic traffic signal enforcement system” as that term is defined in Section 707.001(3) of the Texas Transportation Code, in the City of Elgin.

RESPONSE:

16. Produce a copy of the notarized statement of personal financial obligation required by Transportation Code Section 707.016 and/or Elgin ordinance Section 40-114 in order to perfect any appeal pursuant to Transportation Code Section 707.016 and/or Elgin ordinance Section 40-114 to any municipal court of Defendant’s.

RESPONSE:

17. Produce copies of all notarized statements of personal financial obligation signed and/or filed by any person in connection with any appeal being made by each such person pursuant to Defendant's ordinance Section 40-114 and/or Transportation Code Section 707.016.

RESPONSE:

18. Produce copies of all red light camera reports produced by Defendant to the Texas Department of Transportation, either pre-activation or post activation, of any red light traffic cameras, or any "photographic traffic signal enforcement system" as that term is defined in Section 707.001(3) of the Texas Transportation Code, at any time during the years, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014, respectively.

RESPONSE:

19. Produce copies of all reports filed or submitted by Defendant to the Texas Comptroller of Public Accounts pursuant to or in furtherance of Section 707.008 of the Texas Transportation Code, which reports were filed or submitted by Defendant at any time from September 1, 2007 through April 23, 2015 to the Texas Comptroller of Public Accounts.

RESPONSE:

20. Produce copies of all documents prepared, generated or received at any time from September 1, 2007 through April 23, 2015, relating in any way to the special account in Defendant's treasury or any other account of Defendant's where revenue from the enforcement of Defendant's red light camera ordinances, including but not limited to, Defendant's ordinances Sections 40-23 through 40-120, is deposited.

RESPONSE:

21. Produce copies of the monthly, quarterly and yearly statements at any time from September 1, 2007 through April 23, 2015, for the special account in Defendant's treasury or any account of Defendant's where revenue from the enforcement of Defendant's red light camera ordinances, including but not limited to, Defendant's ordinances Sections 40-23 through 40-120, is deposited.

RESPONSE:

22. Produce copies of all documents that reflect any deposits or receipt of funds at any time from September 1, 2007 through April 23, 2015 to the special account in Defendant's treasury or any other account of Defendant's where revenue from the enforcement of Defendant's red light camera ordinances, including but not limited to, Defendant's ordinances Sections 40-23 through 40-120, is deposited.

RESPONSE:

23. Produce copies of all documents that reflect any withdrawals or transfers of any kind at any time from September 1, 2007 through April 23, 2015 from the special account in Defendant's treasury or any other account of Defendant's where revenue from the enforcement of Defendant's red light camera ordinances, including but not limited to, Defendant's ordinances Sections 40-23 through 40-120, is deposited.

RESPONSE:

24. Produce copies of all documents that relate in any way to any traffic safety programs that have been funded, in whole or in part, at any time from September 1, 2007 through the present, from the special account in Defendant's treasury or any other account of Defendant's where revenue from the enforcement of Defendant's red light camera ordinances, including but not limited to, Defendant's ordinances Sections 40-23 through 40-120, is deposited.

RESPONSE:

25. Produce copies of all records pertaining to any administrative adjudication hearings held by Defendant pursuant to Defendant's ordinances Section 40-83 through 40-90, for all such administrative adjudication hearings which took place at any time after September 1, 2010.

RESPONSE:

26. Produce copies of all records pertaining to any appeal taken pursuant to Defendant's ordinance Section 40-111 and/or Texas Transportation Code Section 707.016, for all such

appeals that were filed at any time after September 1, 2010.

RESPONSE:

27. Produce copies of any and all correspondence, communications, notices, e-mails, or any other documents sent by Defendant or anyone acting on its behalf, to any collection agency or "credit bureau" (as that term is defined by Section 392.001 of the Texas Finance Code), relating to any penalty and/or late fee assessed by Defendant concerning Defendant's red light camera ordinances Sections 40-23 through 40-120.

RESPONSE:

28. Produce copies of all lawsuits filed by Defendant or anyone acting on its behalf to collect any of the penalty and/or late fee under Defendant's red light camera ordinances, being Defendant's ordinances Sections 40-23 through 40-120.

RESPONSE:

29. Produce copies of all contracts, correspondence, e-mails, or any other documents where Defendant sold, assigned or otherwise transferred all or any part of any claim or right arising from or related to any fee, penalty, late fee or cost associated with Defendant's red light camera ordinances, being Defendant's ordinances Sections 40-23 through 40-120.

RESPONSE:

30. For any audits, reports of any audits, or any other reports done by Defendant or anyone acting on its behalf which were done at any time after January 1, 2008, and which pertain in any way to Defendant's ordinances Sections 40-23 through 40-120, or any "photographic traffic signal enforcement system" as that term is defined in Section 707.001(3) of the Texas Transportation Code, produce copies of all such documents.

RESPONSE:

31. Produce copies of pleadings, including any discovery pleadings, in any lawsuit filed against Defendant at any time after September 1, 2007 pertaining in any way to Defendant's

ordinances Sections 40-23 through 40-120, or any “photographic traffic signal enforcement system” as that term is defined in Section 707.001(3) of the Texas Transportation Code.

RESPONSE:

32. Produce copies of any listing (including in electronic format) that reflects any payments received by Defendant at any time from April 23, 2013 to April 23, 2015, in payment of any fee or penalty under Defendant’s ordinance Section 40-24.

RESPONSE:

33. Produce copies of any listing (including in electronic format) that reflects any payments received by Defendant at any time from April 23, 2011 to April 23, 2013, in payment of any fee or penalty under Defendant’s ordinance Section 40-24.

RESPONSE:

Respectfully submitted,



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