

THE STATE OF TEXAS,
Defendants.

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____ JUDICIAL DISTRICT

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT

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 other similarly situated (all hereinafter collectively referred to as "Watson"), serves this, his First Set of Interrogatories on Defendant, City of Elgin (hereinafter referred to as "Defendant"). Defendant is hereby requested to serve its answers to these interrogatories on Plaintiff's attorney, Russell J. Bowman, at 800 West Airport Freeway, Suite 860, Irving, Texas 75062, within 50 days after the service of these interrogatories. Defendant is instructed that its answers to these interrogatories must be in writing, and verified to the extent required by the Texas Rules of Civil Procedure. Defendant is further instructed that its responses to these interrogatories are continuing in nature, and that Defendant has a duty to supplement its responses to these interrogatories when necessary, in accordance with the Texas Rules of Civil Procedure.

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

INTERROGATORIES

INTERROGATORY NO. 1: For each written notice Defendant City of Elgin, or anyone acting on its behalf, has sent out to anyone at time from September 1, 2007 through April 23, 2015 wherein Defendant City of Elgin was asserting a violation of, or the right to a fine or penalty under Elgin ordinance Section 40-24 against such person, and in which any such notice was paid at any time from April 23, 2013 through April 23, 2015, state the following: (a) the number for each such notice of violation that was paid; (b) the name and address for each person to whom such a notice was sent;

(c) whether such notice was sent by United States Mail, and if so, the name, address, and telephone number of the person with the City of Elgin who mailed each such notice, or if the City of Elgin contracts with a company to administer and/or enforce Elgin's red light camera ordinances (being Elgin ordinances Sections 40-23 through 40-120), the name, address, and telephone number of the company with whom the City of Elgin contracted with who mailed each such notice; (d) the amount paid by each such person paying each such notice; and (e) the date each such payment was made to the City of Elgin, or to the company the City of Elgin contracted with or hired to administer and/or enforce Elgin's red light camera ordinances (being Elgin ordinances Sections 40-23 through 40-120).

RESPONSE:

INTERROGATORY NO. 2: For each notice identified by Defendant City of Elgin in its response to Interrogatory No. 1 above, state the number for each such notice wherein an administrative adjudication hearing was held pursuant to Elgin ordinance Sections 40-83 through 40-91, and for each such administrative adjudication hearing that was so held, state the following: (a) date of the administrative hearing; (b) name, address and telephone number of the person who was the hearing officer appointed for such hearing; (c) whether the person charged or named in the notice for which the administrative adjudication hearing was held was found liable for the \$75.00 civil penalty under Elgin ordinance Section 40-24; (d) if the person charged or named in the notice presented evidence at such hearing that he or she was not driving the car at the time and date of the alleged violation set forth in the notice; and (e) if such evidence was not sufficient to overcome the presumption of Section 707.013(a) of the Texas Transportation Code or Elgin ordinance Section 40-87(c), state why such evidence was not sufficient to overcome the presumption of Texas Transportation Code Section

707.013(a) or to relieve the person of liability under Elgin ordinance Section 40-87(c).

RESPONSE:

INTERROGATORY NO. 3: For each notice identified by Defendant City of Elgin in its response to Interrogatory No. 2 above for which after the administrative adjudication hearing conducted pursuant to Elgin ordinance Sections 40-83 through 40-91 was held, an appeal was taken to the City of Elgin Municipal Court pursuant to Elgin ordinance Section 40-111 through 40-120, state the following: (a) the number for each such notice; (b) the case number for such appeal; (c) the date such appeal was heard; (d) whether the person charged or named in the notice for which such appeal was held was found liable for the \$75.00 civil penalty under Elgin ordinance Section 40-24; (e) if the person charged or named in the notice presented evidence at such appeal that he or she was not driving the car at the time and date of the alleged violation set forth in the notice; and (f) if such evidence was not sufficient to overcome the presumption of Section 707.013(a) of the Texas Transportation Code or to relieve the person of liability under Elgin ordinance Section 40-87(c), state why such evidence was not sufficient to overcome the presumption of Texas Transportation Code Section 707.013(a) or to relieve the person of liability under Elgin ordinance Section 40-87(c).

RESPONSE:

INTERROGATORY NO. 4: For each written notice Defendant City of Elgin, or anyone acting on its behalf, has sent out to anyone at time from September 1, 2007 through April 23, 2015 wherein Defendant City of Elgin was asserting a violation of, or the right to a fine or penalty under Elgin ordinance Section 40-24 against such person, and in which any such notice was paid at any time

from April 23, 2011 through April 23, 2013, state the following: (a) the number for each such notice of violation that was paid; (b) the name and address for each person to whom such a notice was sent; (c) whether such notice was sent by United States Mail, and if so, the name, address, and telephone number of the person with the City of Elgin who mailed each such notice, or if the City of Elgin contracts with a company to administer and/or enforce Elgin's red light camera ordinances (being Elgin ordinances Sections 40-23 through 40-120), the name, address, and telephone number of the company with whom the City of Elgin contracted with who mailed each such notice; (d) the amount paid by each such person paying each such notice; and (e) the date each such payment was made to the City of Elgin, or to the company the City of Elgin contracted with or hired to administer and/or enforce Elgin's red light camera ordinances (being Elgin ordinances Sections 40-23 through 40-120).

RESPONSE:

INTERROGATORY NO. 5: For all violations of Defendant's ordinance Section 40-24 that were paid between April 23, 2013 and April 23, 2015, state the following: (a) the total number of such violations that were paid between April 23, 2013 and April 23, 2015; and (b) the total number of such violations paid between April 23, 2013 and April 23, 2015 that involved a car or vehicle that was registered in the State of Texas.


RESPONSE:

INTERROGATORY NO. 6: For all violations of Defendant's ordinance Section 40-24 that were paid between April 23, 2011 and April 23, 2013, state the following: (a) the total number of such

violations that were paid between April 23, 2011 and April 23, 2013; and (b) the total number of such violations paid between April 23, 2011 and April 23, 2013 that involved a car or vehicle that was registered in the State of Texas.

RESPONSE:

Respectfully submitted,



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