UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

MAURA O'NEILL, as administrator of the Estate) of Madelyn E. Linsenmeir,)

Plaintiff,

v.

C.A. No. 20-30036-MGM

CITY OF SPRINGFIELD, et al.

Defendants.

PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND TESTIMONY CONCERNING THE DISCIPLINARY AGREEMENT BETWEEN DEFENDANTS ZANAZANIAN AND CITY OF SPRINGFIELD

Maura O'Neill, as administrator of the Estate of Madelyn E. Linsenmeir, respectfully

moves that the Court order the defendant City of Springfield to produce the following categories

of records, to the extent not already produced:

(a) the drafts of an agreement exchanged between and among the City, the Police Supervisor's Union, and defendant Zanazanian, and their respective representatives, and associated correspondence;

(b) City attorney William Mahoney's email communications with SPD Captain Philip Tarpey concerning the negotiation and preparation of that agreement; and

(c) the emails that attorney Mahoney reviewed to educate himself as a 30(b)(6) witness and to prepare for his deposition.

The Estate respectfully asserts that the production should include at least the emails listed as items

1, 2, 3, 4, 5, 7, 9, 55, 57, 58, 60, 61, and 63 on the City's privilege log, including any attachments.

In camera review of those items may potentially be useful to resolving this motion.

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The Estate also requests that, after production of these records, attorney Mahoney be required to give further 30(b)(6) deposition testimony about these subjects and the relevant records.

As further grounds for this motion, the Estate refers to its accompanying memorandum in support.

January 19, 2023

Respectfully submitted,

<u>/s/ Daniel L. McFadden</u> Matthew R. Segal (BBO # 654489) Jessie J. Rossman (BBO # 670685) Daniel L. McFadden (BBO #676612) American Civil Liberties Union Foundation of Massachusetts, Inc. One Center Plaza, Suite 850 Boston, MA 02108 (617) 482-3170

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Attorneys for Plaintiff

LOCAL RULE 7.1 AND 37.1 STATEMENT

I hereby certify that Attorney DeSousa (for the City) and attorney McFadden (for the Estate) conducted a Rule 7.1 and 37.1 conference on this issue by telephone for about 15 minutes on December 27, 2022. After further correspondence by email, the City provided its final position on January 7, 2023. The City opposes this motion. Additionally, the Estate understands that attorney Vigliotti has asserted privilege over certain of the records at issue on behalf of a non-party, as further explained in the accompanying memorandum,

Dated: January 19, 2023

<u>/s/ Daniel L. McFadden</u> Daniel L. McFadden