

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JAMES LUTCHER NEGLEY	§	
Plaintiff	§	
v.	§	CIVIL ACTION NO.
	§	SA-12-CV-362-OLG
	§	
FEDERAL BUREAU OF	§	
INVESTIGATION,	§	
Defendant	§	

PLAINTIFF'S FIRST REQUESTS FOR ADMISSIONS AND REQUESTS FOR PRODUCTION TO DEFENDANT FEDERAL BUREAU OF INVESTIGATION

TO: Defendant Federal Bureau of Investigation, by and through its attorney of record:

Mr. Robert Shaw-Meadow
Assistant United States Attorney
Western District of Texas
601 NW Loop 410, Suite 600
San Antonio, Texas 78216

Now comes James Lutcher Negley, Plaintiff and serves these First Requests for Admissions and Requests for Production, set forth on the attached Exhibit "A", requiring the Defendant Federal Bureau of Investigation to respond to the following requests to admit, for the purpose of the pending action, the truth of the matters set forth in the requests for admissions pursuant to Rule 36, Federal Rules of Civil Procedure. The matters set forth in the requests will be admitted unless, within thirty (30) days after being served, the party to whom the request is directed serves on the requesting party a written answer or objection

addressed to the matter and signed by the party or its attorney. If the matter is not admitted, the answer must specifically deny it or state in detail why the answering party cannot truthfully admit or deny it.

Plaintiff further submits the following Requests for Production, under the provisions of Rule 34 of the Federal Rules of Civil Procedure, and Plaintiff requires that answers to same be served upon the undersigned no later than thirty (30) days after the date of the service hereof.

Plaintiff further requires that the requested documents or tangible things be produced pursuant to Texas Rule of Civil Procedure 196.3, at the office of John F. Carroll, 111 West Olmos Drive, San Antonio, Texas 78212, no later than thirty (30) days after the date of service hereof.

The following terms shall have the meaning indicated below:

- a. "Person" means natural persons, corporations, partnerships, sole proprietorships, unions, associations, or any other kind of entity or its agents, servants and employees.
- b. "Document" means any written instrument, recorded matter of whatever character, including but without limitation, contracts, letters, purchase orders, memoranda, logs, memoranda of interviews, telegrams, notes, catalogs, brochures, diaries, reports, calendars, statements, investigative reports, announcements, newspaper articles, photographs, tape recordings, videotapes, motion pictures, and any carbon or photographic copies of any such material, any other data compilations from which information can be obtained and translated into reasonably usable form, and anything else in writing.
- c. "You" and "Your" shall mean the party to whom these questions are directed as well as its agents, employees, attorneys, investigators and all other

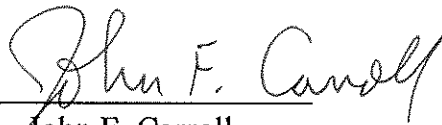
"persons" acting for said party and all of the party's predecessors in interest to the real property that is the subject of this lawsuit.

- d. "James L. Negley" or "James Latcher Negley" is defined as the Plaintiff who is propounding these requests to you and any of his agents, servants, employees, or representatives.

Respectfully submitted,

John F. Carroll
Attorney at Law
111 West Olmos Drive
San Antonio, Texas 78212
Telephone: (210) 829-7183
Facsimile: (210) 829-0734

ATTORNEY FOR PLAINTIFF

BY: 
John F. Carroll
State Bar No. 03888100

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was delivered to:

Mr. Robert Shaw-Meadow
Assistant United States Attorney
Western District of Texas
601 NW Loop 410, Suite 600
San Antonio, Texas 78216

on this the 10th day of August, 2012.



John F. Carroll

EXHIBIT "A"

Request for Admission Number 1:

Admit or Deny that in the early morning hours of September 20, 1995, two agents of the Federal Bureau of Investigation (FBI) interviewed James L. Negley in Chico, California in connection with the Unabomber investigation.

Response:

Request for Production Number 1:

If Request for Admission Number 1 was admitted, produce all records regarding said interview including any reports or memoranda of the interview, all notes taken during or made regarding the interview and any follow-up reports regarding said interview.

Response:

Request for Admission Number 2:

Admit or Deny that on the morning of September 20, 1995, James L. Negley was placed under surveillance by one or more agents of the Federal Bureau of Investigation.

Response:

Request for Production Number 2:

If request for Admission Number 2 was admitted, produce all records of such surveillance, including, but not limited to all reports, notes and memoranda regarding such surveillance, any memoranda of interviews, any notes or other records, any photographs, videotapes or audiotapes made during such surveillance.

Response:

Request for Admission Number 3:

Admit or Deny that since September 20, 1995, one or more agents of the Federal Bureau of Investigation, or others acting on behalf of the Federal Bureau of Investigation, have conducted surveillance of James L. Negley in Travis County, Texas.

Response:

Request for Production Number 3:

If request for Admission Number 3 was admitted, produce all records of such surveillance, including, but not limited to all reports, notes and memoranda regarding such surveillance, any memoranda of interviews, any notes or other records, any photographs, videotapes or audiotapes made during such surveillance.

Response:

Request for Admission Number 4:

Admit or Deny that since September 20, 1995, one or more persons acting with the knowledge of the Federal Bureau of Investigation, have conducted surveillance of James L. Negley in Travis County, Texas.

Response:

Request for Production Number 4:

If request for Admission Number 4 was admitted, produce all records of such surveillance, including, but not limited to all reports, notes and memoranda regarding such surveillance, any memoranda of interviews, any notes or other records, any photographs, videotapes or audiotapes made during such surveillance.

Response:

Request for Admission Number 5:

Admit or Deny that since September 20, 1995, one or more agents of the Federal Bureau of Investigation, or others acting on behalf of the Federal Bureau of Investigation, have entered the home of James L. Negley located at 3905 Laguna Vista Cove, Austin, Texas 78746.

Response:

Request for Production Number 5:

If request for Admission Number 5 was admitted, please produce all records of such entry, including, but not limited to all reports, notes and memoranda regarding such entry, any memoranda of interviews, any notes or other records, any photographs, videotapes or audiotapes made during such entry. Also produce any documents justifying any such entry or entries including any search warrants, search warrant applications, search warrant affidavits, or other orders, memoranda or documents authorizing or ordering any such entry or entries.

Response:

Request for Admission Number 6:

Admit or Deny that since September 20, 1995, a person or persons acting with the knowledge of the Federal Bureau of Investigation, have entered the home of James L. Negley located at 3905 Laguna Vista Cove, Austin, Texas 78746.

Response:

Request for Production Number 6:

If request for Admission Number 6 was admitted, produce all records of such entry, including, but not limited to all reports, notes and memoranda regarding such entry, any memoranda of interviews, any notes or other records, any photographs, videotapes or audiotapes made during such entry. Also produce any documents justifying any such entry or entries including any search warrants, search warrant applications, search warrant affidavits, or other orders, memoranda or documents authorizing or ordering any such entry or entries.

Response:

Request for Admission Number 7:

Admit or Deny that since September 20, 1995, one or more agents of the Federal Bureau of Investigation, or others acting on behalf of the Federal Bureau of Investigation have seized or removed property from 3905 Laguna Vista Cove, Austin, Texas 78746.

Response:

Request for Production Number 7:

If request for Admission Number 7 was admitted, produce all records of such seizure or removal of property, including, but not limited to all reports, notes and memoranda regarding such seizure or removal, any memoranda of interviews, any notes or other records, any photographs, videotapes or audiotapes made during such seizure or removal. Also produce any documents justifying any such seizure or removal including any search warrants, search warrant applications, search warrant affidavits, or other orders, memoranda or documents authorizing or ordering any such entry or entries. Also produce any inventory or description of property seized or removed.

Response:

Request for Admission Number 8:

Admit or Deny that since September 20, 1995, one or more agents of the Federal Bureau of Investigation, or others acting on behalf of the Federal Bureau of Investigation have seized or removed personal financial records of James L. Negley from 3905 Laguna Vista Cove, Austin, Texas 78746.

Response:

Request for Production Number 8:

If request for Admission Number 8 was admitted, produce all records of such seizure or removal of property, including, but not limited to all reports, notes and memoranda regarding such seizure or removal, any memoranda of interviews, any notes or other records, any photographs, videotapes or audiotapes made during such seizure or removal. Also produce any documents justifying any such seizure or removal including any search warrants, search warrant applications, search warrant affidavits, or other orders, memoranda or documents authorizing or ordering any such entry or entries. Also produce any inventory or description of property seized or removed.

Response:

Request for Admission Number 9:

Admit or Deny that since September 20, 1995, one or more agents of the Federal Bureau of Investigation, or others acting on behalf of the Federal Bureau of Investigation have seized or removed business records of James L. Negley from 3905 Laguna Vista Cove, Austin, Texas 78746.

Response:

Request for Production Number 9:

If request for Admission Number 9 was admitted, produce all records of such seizure or removal of property, including, but not limited to all reports, notes and memoranda regarding such seizure or removal, any memoranda of interviews, any notes or other records, any photographs, videotapes or audiotapes made during such seizure or removal. Also produce any documents justifying any such seizure or removal including any search warrants, search warrant applications, search warrant affidavits, or other orders, memoranda or documents authorizing or ordering any such entry or entries. Also produce any inventory or description of property seized or removed.

Response:

Request for Admission Number 10:

Admit or Deny that since September 20, 1995, one or more agents of the Federal Bureau of Investigation, or others acting on behalf of the Federal Bureau of Investigation have seized or removed business records of Davis, Joseph & Negley from 3905 Laguna Vista Cove, Austin, Texas 78746.

Response:

Request for Production Number 10:

If request for Admission Number 10 was admitted, produce all records of such seizure or removal of property, including, but not limited to all reports, notes and memoranda regarding such seizure or removal, any memoranda of interviews, any notes or other records, any photographs, videotapes or audiotapes made during such seizure or removal. Also produce any documents justifying any such seizure or removal including any search warrants, search warrant applications, search warrant affidavits, or other orders, memoranda or documents

authorizing or ordering any such entry or entries. Also produce any inventory or description of property seized or removed.

Response:

Request for Admission Number 11:

Admit or Deny that since September 20, 1995, one or more agents of the Federal Bureau of Investigation, or others acting on behalf of the Federal Bureau of Investigation have seized or removed one or more items of personal property, including a rare book: Retired Dallas Police Chief Jesse Curry's "Limited Collectors Edition" of "His Personal JFK Assassination File", from 3905 Laguna Vista Cove, Austin, Texas 78746.

Response:

Request for Production Number 11:

If request for Admission Number 11 was admitted, produce all records of such seizure or removal of property, including, but not limited to all reports, notes and memoranda regarding such seizure or removal, any memoranda of interviews, any notes or other records, any photographs, videotapes or audiotapes made during such seizure or removal. Also produce any documents justifying any such seizure or removal including any search warrants, search warrant applications, search warrant affidavits, or other orders, memoranda or documents authorizing or ordering any such entry or entries. Also produce any inventory or description of property seized or removed.

Response:

Request for Admission Number 12:

Admit or Deny that since September 20, 1995, one or more agents of the Federal Bureau of Investigation, or others acting on behalf of the Federal Bureau of Investigation have seized or removed one or more items of personal property including a pillow from 3905 Laguna Vista Cove, Austin, Texas 78746.

Response:

Request for Production Number 12:

If request for Admission Number 12 was admitted, produce all records of such seizure or removal of property, including, but not limited to all reports, notes and memoranda regarding such seizure or removal, any memoranda of interviews, any notes or other records, any photographs, videotapes or audiotapes made during such seizure or removal. Also produce any documents justifying any such seizure or removal including any search warrants, search warrant applications, search warrant affidavits, or other orders, memoranda or documents authorizing or ordering any such entry or entries. Also produce any inventory or description of property seized or removed.

Response:

Request for Admission Number 13:

Admit or Deny that since September 20, 1995, one or more persons, acting with the knowledge of the Federal Bureau of Investigation, have seized or removed one or more items of personal property from 3905 Laguna Vista Cove, Austin, Texas 78746.

Response:

Request for Production Number 13:

If request for Admission Number 13 was admitted, produce all records of such seizure or removal of property, including, but not limited to all reports, notes and memoranda regarding such seizure or removal, any memoranda of interviews, any notes or other records, any photographs, videotapes or audiotapes made during such seizure or removal. Also produce any documents justifying any such seizure or removal including any search warrants, search warrant applications, search warrant affidavits, or other orders, memoranda or documents authorizing or ordering any such entry or entries. Also produce any inventory or description of property seized or removed.

Response:

Request for Admission Number 14:

Admit or Deny that since September 20, 1995, one or more agents of the Federal Bureau of Investigation, or others acting on behalf of the Federal Bureau of Investigation, have entered

the offices of Davis, Joseph & Negley, in Mill Valley California.

Response:

Request for Production Number 14:

If request for Admission Number 14 was admitted, produce all records of such entry, including, but not limited to all reports, notes and memoranda regarding such entry, any memoranda of interviews, any notes or other records, any photographs, videotapes or audiotapes made during such entry. Also produce any documents justifying any such entry or entries including any search warrants, search warrant applications, search warrant affidavits, or other orders, memoranda or documents authorizing or ordering any such entry or entries.

Response:

Request for Admission Number 15:

Admit or Deny that since September 20, 1995, one or more agents of the Federal Bureau of Investigation, or others acting on behalf of the Federal Bureau of Investigation have seized or removed property from the offices of Davis, Joseph & Negley, in Mill Valley California, including business records of Davis, Joseph & Negley as well as records of JLN Solar, Inc.

Response:

Request for Production Number 15:

If request for Admission Number 15 was admitted, please produce all records of such seizure or removal of property, including, but not limited to all reports, notes and memoranda regarding such seizure or removal, any memoranda of interviews, any notes or other records, any photographs, videotapes or audiotapes made during such seizure or removal. Also produce any documents justifying any such seizure or removal including any search warrants, search warrant applications, search warrant affidavits, or other orders, memoranda or documents authorizing or ordering any such entry or entries. Also produce any inventory or description of property seized or removed.

Response:

Request for Admission Number 16:

Admit or Deny that between January 1, 1995 and December 31, 1999, one or more agents of the Federal Bureau of Investigation, or others acting on behalf of the Federal Bureau of Investigation, utilized the residence at 1810 Lakeshore Drive, Austin, Texas 78746 in order to conduct surveillance of James L. Negley or otherwise investigate James L. Negley and his activities.

Response:

Request for Production Number 16:

If request for Admission Number 16 was admitted, produce all records of such surveillance and/or investigation, including, but not limited to all reports, notes and memoranda regarding such surveillance and/or investigation, any memoranda of interviews, any notes or other records, any photographs, videotapes or audiotapes made during such surveillance and/or investigation.

Response:

Request for Admission Number 17:

Admit or Deny that between January 1, 1995 and December 31, 1999, one or more agents of the Federal Bureau of Investigation, or others acting on behalf of the Federal Bureau of Investigation utilized the residence at 1810 Lakeshore Drive, Austin, Texas 78746 in order to conduct surveillance of one or more persons entering or leaving 3905 Laguna Vista Cove, Austin, Texas 78746.

Response:

Request for Production Number 17:

If request for Admission Number 17 was admitted, produce all records of such surveillance and/or investigation, including, but not limited to all reports, notes and memoranda regarding such surveillance and/or investigation, any memoranda of interviews, any notes or other records, any photographs, videotapes or audiotapes made during such surveillance and/or investigation.

Response:

Request for Admission Number 18:

Admit or Deny that one or more agents of the Federal Bureau of Investigation, or others acting on behalf of the Federal Bureau of Investigation have been in contact or other wise had communications with members of James L. Negley's family, including, Federico Lutcher Brown, and his former spouse, Elaine Brown, regarding James L. Negley and/or Davis, Joseph & Negley.

Response:

Request for Production Number 18:

If request for Admission Number 18 was admitted, produce all records of such contact, including, but not limited to all reports, notes and memoranda regarding such contact, any memoranda of interviews, any notes or other records, any photographs, videotapes or audiotapes made during such contact.

Response:

Request for Admission Number 19:

~~Admit or Deny that one or more agents of the Federal Bureau of Investigation, or others acting on behalf of the Federal Bureau of Investigation have been in contact or other wise had communications with third parties including, Richard Bourgon regarding James L. Negley and/or Davis, Joseph & Negley, for reasons unrelated to any request by James L. Negley for information under the Freedom of Information Act.~~

Response:

Request for Production Number 19:

If request for Admission Number 19 was admitted, produce all records of such contact, including, but not limited to all reports, notes and memoranda regarding such contact, any memoranda of interviews, any notes or other records, any photographs, videotapes or

audiotapes made during such contact.

Response:

Request for Admission Number 20:

Admit or Deny that, in responding to requests from James L. Negley under the Freedom of Information Act, the Federal Bureau of Investigation has withheld records from James L. Negley or has refused to acknowledge the existence of records, in reliance upon the Memorandum from Edwin Meese, III, U.S. Attorney General, on the 1986 Amendments to the Freedom of Information Act to the Executive Departments and Agencies (Dec. 1987).

Response: