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9

10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12 SOUTHERN DIVISION
13

14 ROBERT NIGG AND KEITH LEWIS,
et al.,

15 Plaintiffs,

16 v.

17 UNITED STATES POSTAL SERVICE,

18 Defendant.
19

No. SACV 03-1611 GLT (ANx)

**DEFENDANT'S RESPONSES TO
PLAINTIFFS' SECOND SET OF
REQUESTS FOR ADMISSIONS**

20 PROPOUNDING PARTY: ROBERT NIGG AND KEITH LEWIS

21 RESPONDING PARTY: UNITED STATES POSTAL SERVICE

22 SET NO: TWO

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OCT 22 2004

BEATIE AND OSBORN LLP

1 REQUEST FOR ADMISSION NO. 21:

2 Postal inspectors who are level 13 or below are not
3 managers.

4 RESPONSE TO REQUEST FOR ADMISSION NO. 21:

5 Defendant objects to Request for Admission No. 21 as vague
6 and ambiguous because the term "managers" has not been defined
7 and is thus susceptible to many different interpretations. As a
8 result, Defendant is not able to admit or deny this Request.

9 REQUEST FOR ADMISSION NO. 22:

10 Postal inspectors who are level 13 or below are not
11 supervisors.

12 RESPONSE TO REQUEST FOR ADMISSION NO. 22:

13 Defendant objects to Request for Admission No. 22 as vague
14 and ambiguous because the term "supervisors" has not been defined
15 and is thus susceptible to many different interpretations. As a
16 result, Defendant is not able to admit or deny this Request.

17 REQUEST FOR ADMISSION NO. 23:

18 No employees report directly to a postal inspector who is a
19 level 13 or below.

20 RESPONSE TO REQUEST FOR ADMISSION NO. 23:

21 Deny.

22 REQUEST FOR ADMISSION NO. 24:

23 Postal inspectors who are level 13 or below do not formulate
24 management policies.

25 RESPONSE TO REQUEST FOR ADMISSION NO. 24:

26 Deny.

27 REQUEST FOR ADMISSION NO. 25:

28 Postal inspectors who are level 13 or below do not

1 effectuate management policies.

2 RESPONSE TO REQUEST FOR ADMISSION NO. 25:

3 Deny.

4 REQUEST FOR ADMISSION NO. 26:

5 Postal inspectors who are level 13 or below do not exercise
6 discretion within established Postal Service policy.

7 RESPONSE TO REQUEST FOR ADMISSION NO. 26:

8 Deny.

9 REQUEST FOR ADMISSION NO. 27:

10 Postal inspectors who are level 13 or below do not exercise
11 discretion independently of established Postal Service policy.

12 RESPONSE TO REQUEST FOR ADMISSION NO. 27:

13 Deny.

14 REQUEST FOR ADMISSION NO. 28:

15 Postal inspectors who are level 13 or below are not aligned
16 with management.

17 RESPONSE TO REQUEST FOR ADMISSION NO. 28:

18 Deny.

19 REQUEST FOR ADMISSION NO. 29:

20 The routine functions of postal inspectors who are level 13
21 or below are to conduct criminal investigations or perform other
22 duties as directed by their supervisors.

23 RESPONSE TO REQUEST FOR ADMISSION NO. 29:

24 The routine functions of postal inspectors who are level 13
25 or below are set forth in the Standard Position Description for
26 Postal Inspector ISLE-13, which has been furnished to Plaintiffs.

27 REQUEST FOR ADMISSION NO. 30:

28 Postal inspectors who are level 13 or below do not supervise

1 any programs.

2 RESPONSE TO REQUEST FOR ADMISSION NO. 30:

3 Deny.

4 REQUEST FOR ADMISSION NO. 31:

5 Postal inspectors who are level 13 or below do not manage
6 any programs.

7 RESPONSE TO REQUEST FOR ADMISSION NO. 31:

8 Deny.

9 REQUEST FOR ADMISSION NO. 32:

10 Postal inspectors who are level 13 or below do not supervise
11 any personnel.

12 RESPONSE TO REQUEST FOR ADMISSION NO. 32:

13 Deny.

14 REQUEST FOR ADMISSION NO. 33:

15 Postal inspectors who are level 13 or below do not manage
16 any personnel.

17 RESPONSE TO REQUEST FOR ADMISSION NO. 33:

18 Deny.

19 REQUEST FOR ADMISSION NO. 34:

20 Postal inspectors who are level 13 or below conduct their
21 assignments within the context of a team assignment or mission.

22 RESPONSE TO REQUEST FOR ADMISSION NO. 34:

23 Defendant objects to Request for Admission No. 34 as vague
24 and ambiguous because the terms "team assignment" and "mission"
25 have not been defined and are thus susceptible to many different
26 interpretations. As a result, Defendant is not able to admit or
27 deny this Request.

28

1 REQUEST FOR ADMISSION NO. 35:

2 Postal inspectors who are level 13 or below do not have the
3 authority to control Postal Service policy.

4 RESPONSE TO REQUEST FOR ADMISSION NO. 35:

5 Deny.

6 REQUEST FOR ADMISSION NO. 36:

7 Postal inspectors who are level 13 or below do not recommend
8 discretionary actions that are implemented by others possessing
9 actual authority to control Postal Service policy.

10 RESPONSE TO REQUEST FOR ADMISSION NO. 36:

11 Deny.

12 REQUEST FOR ADMISSION NO. 37:

13 Postal inspectors who are level 13 or below do not have any
14 authority to take discretionary actions other than those
15 concerning their own investigations.

16 RESPONSE TO REQUEST FOR ADMISSION NO. 37:

17 Deny.

18 REQUEST FOR ADMISSION NO. 38:

19 Postal inspectors who are level 13 or below do not hire
20 employees of the postal inspection service.

21 RESPONSE TO REQUEST FOR ADMISSION NO. 38:

22 Admit.

23 REQUEST FOR ADMISSION NO. 39:

24 Postal inspectors who are level 13 or below do not fire
25 employees of the postal inspection service.

26 RESPONSE TO REQUEST FOR ADMISSION NO. 39:

27 Admit.

1 REQUEST FOR ADMISSION NO. 40:

2 The Postal Service requires postal inspectors who are level
3 13 or below to work to average 50 hours of work per week.

4 RESPONSE TO REQUEST FOR ADMISSION NO. 40:

5 Postal Inspectors are required to average a 50-hour work
6 week on an annual basis, except for excludable weeks for training
7 and vacation.

8 REQUEST FOR ADMISSION NO. 41:

9 Postal inspectors who are level 13 or below that do not
10 maintain an average of a 50 hour work week, will not receive
11 availability pay.

12 RESPONSE TO REQUEST FOR ADMISSION NO. 41:

13 Defendant objects to this request for admission on the
14 grounds that it is vague and ambiguous, and therefore Defendant
15 is unable to admit or deny this request.

16 REQUEST FOR ADMISSION NO. 42:

17 Level 14 team leaders do not formulate management policies.

18 RESPONSE TO REQUEST FOR ADMISSION NO. 42:

19 Defendant objects to this request for admission because it
20 is not relevant to Plaintiffs' claims in this litigation. On
21 April 13, 2004, Plaintiffs filed a Motion for Certification of
22 Collective Action in which they sought to represent similarly
23 situated Postal Inspectors (i.e. Postal Inspectors at the
24 I.S.L.E.-13 level.) (See Plaintiffs' Motion, Exh. D.).
25 Therefore, the postal inspectors who are part of this collective
26 action are I.S.L.E.-13 Postal Inspectors. Level 14 team leaders
27 are not part of this litigation, and therefore, requests for
28 admission concerning Level 14 team leaders are outside the scope

1 of permissible discovery.

2 **REQUEST FOR ADMISSION NO. 43:**

3 Level 14 team leaders do not effectuate management polies.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 43:**

5 Defendant objects to this request for admission because it
6 is not relevant to Plaintiffs' claims in this litigation. On
7 April 13, 2004, Plaintiffs filed a Motion for Certification of
8 Collective Action in which they sought to represent similarly
9 situated Postal Inspectors (i.e. Postal Inspectors at the
10 I.S.L.E.-13 level.) (See Plaintiffs' Motion, Exh. D.).

11 Therefore, the postal inspectors who are part of this collective
12 action are I.S.L.E.-13 Postal Inspectors. Level 14 team leaders
13 are not part of this litigation, and therefore, requests for
14 admission concerning Level 14 team leaders are outside the scope
15 of permissible discovery.

16 **REQUEST FOR ADMISSION NO. 44:**

17 Level 14 team leaders do not exercise discretion within
18 established Postal Service policy.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 44:**

20 Defendant objects to this request for admission because it
21 is not relevant to Plaintiffs' claims in this litigation. On
22 April 13, 2004, Plaintiffs filed a Motion for Certification of
23 Collective Action in which they sought to represent similarly
24 situated Postal Inspectors (i.e. Postal Inspectors at the
25 I.S.L.E.-13 level.) (See Plaintiffs' Motion, Exh. D.).

26 Therefore, the postal inspectors who are part of this collective
27 action are I.S.L.E.-13 Postal Inspectors. Level 14 team leaders
28 are not part of this litigation, and therefore, requests for

1 admission concerning Level 14 team leaders are outside the scope
2 of permissible discovery.

3 **REQUEST FOR ADMISSION NO. 45:**

4 Level 14 team leaders do not exercise discretion
5 independently of established Postal Service policy.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 45:**

7 Defendant objects to this request for admission because it
8 is not relevant to Plaintiffs' claims in this litigation. On
9 April 13, 2004, Plaintiffs filed a Motion for Certification of
10 Collective Action in which they sought to represent similarly
11 situated Postal Inspectors (i.e. Postal Inspectors at the
12 I.S.L.E.-13 level.) (See Plaintiffs' Motion, Exh. D.).

13 Therefore, the postal inspectors who are part of this collective
14 action are I.S.L.E.-13 Postal Inspectors. Level 14 team leaders
15 are not part of this litigation, and therefore, requests for
16 admission concerning Level 14 team leaders are outside the scope
17 of permissible discovery.

18 **REQUEST FOR ADMISSION NO. 46:**

19 Level 14 team leaders are not aligned with management.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 46:**

21 Defendant objects to this request for admission because it
22 is not relevant to Plaintiffs' claims in this litigation. On
23 April 13, 2004, Plaintiffs filed a Motion for Certification of
24 Collective Action in which they sought to represent similarly
25 situated Postal Inspectors (i.e. Postal Inspectors at the
26 I.S.L.E.-13 level.) (See Plaintiffs' Motion, Exh. D.).

27 Therefore, the postal inspectors who are part of this collective
28 action are I.S.L.E.-13 Postal Inspectors. Level 14 team leaders

1 are not part of this litigation, and therefore, requests for
2 admission concerning Level 14 team leaders are outside the scope
3 of permissible discovery.

4 **REQUEST FOR ADMISSION NO. 47:**

5 Level 14 team leaders do not supervise any programs.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 47:**

7 Defendant objects to this request for admission because it
8 is not relevant to Plaintiffs' claims in this litigation. On
9 April 13, 2004, Plaintiffs filed a Motion for Certification of
10 Collective Action in which they sought to represent similarly
11 situated Postal Inspectors (i.e. Postal Inspectors at the
12 I.S.L.E.-13 level.) (See Plaintiffs' Motion, Exh. D.).

13 Therefore, the postal inspectors who are part of this collective
14 action are I.S.L.E.-13 Postal Inspectors. Level 14 team leaders
15 are not part of this litigation, and therefore, requests for
16 admission concerning Level 14 team leaders are outside the scope
17 of permissible discovery.

18 **REQUEST FOR ADMISSION NO. 48:**

19 Level 14 team leaders do not manage any programs.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 48:**

21 Defendant objects to this request for admission because it
22 is not relevant to Plaintiffs' claims in this litigation. On
23 April 13, 2004, Plaintiffs filed a Motion for Certification of
24 Collective Action in which they sought to represent similarly
25 situated Postal Inspectors (i.e. Postal Inspectors at the
26 I.S.L.E.-13 level.) (See Plaintiffs' Motion, Exh. D.).

27 Therefore, the postal inspectors who are part of this collective
28 action are I.S.L.E.-13 Postal Inspectors. Level 14 team leaders

1 are not part of this litigation, and therefore, requests for
2 admission concerning Level 14 team leaders are outside the scope
3 of permissible discovery.

4 **REQUEST FOR ADMISSION NO. 49:**

5 Level 14 team leaders do not have the authority to control
6 Postal Service policy.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 49:**

8 Defendant objects to this request for admission because it
9 is not relevant to Plaintiffs' claims in this litigation. On
10 April 13, 2004, Plaintiffs filed a Motion for Certification of
11 Collective Action in which they sought to represent similarly
12 situated Postal Inspectors (i.e. Postal Inspectors at the
13 I.S.L.E.-13 level.) (See Plaintiffs' Motion, Exh. D.).

14 Therefore, the postal inspectors who are part of this collective
15 action are I.S.L.E.-13 Postal Inspectors. Level 14 team leaders
16 are not part of this litigation, and therefore, requests for
17 admission concerning Level 14 team leaders are outside the scope
18 of permissible discovery.

19 **REQUEST FOR ADMISSION NO. 50:**

20 Level 14 team leaders do not recommend discretionary actions
21 that are implemented by others possessing actual authority to
22 control Postal Service Policy.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 50:**

24 Defendant objects to this request for admission because it
25 is not relevant to Plaintiffs' claims in this litigation. On
26 April 13, 2004, Plaintiffs filed a Motion for Certification of
27 Collective Action in which they sought to represent similarly
28 situated Postal Inspectors (i.e. Postal Inspectors at the

1 I.S.L.E.-13 level.) (See Plaintiffs' Motion, Exh. D.).

2 Therefore, the postal inspectors who are part of this collective
3 action are I.S.L.E.-13 Postal Inspectors. Level 14 team leaders
4 are not part of this litigation, and therefore, requests for
5 admission concerning Level 14 team leaders are outside the scope
6 of permissible discovery.

7 **REQUEST FOR ADMISSION NO. 51:**

8 Level 14 team leaders do not hire employees of the postal
9 inspection service.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 51:**

11 Defendant objects to this request for admission because it
12 is not relevant to Plaintiffs' claims in this litigation. On
13 April 13, 2004, Plaintiffs filed a Motion for Certification of
14 Collective Action in which they sought to represent similarly
15 situated Postal Inspectors (i.e. Postal Inspectors at the
16 I.S.L.E.-13 level.) (See Plaintiffs' Motion, Exh. D.).

17 Therefore, the postal inspectors who are part of this collective
18 action are I.S.L.E.-13 Postal Inspectors. Level 14 team leaders
19 are not part of this litigation, and therefore, requests for
20 admission concerning Level 14 team leaders are outside the scope
21 of permissible discovery.

22 **REQUEST FOR ADMISSION NO. 52:**

23 Level 14 leaders do not fire employees of the postal
24 inspection service.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 52:**

26 Defendant objects to this request for admission because it
27 is not relevant to Plaintiffs' claims in this litigation. On
28 April 13, 2004, Plaintiffs filed a Motion for Certification of

1 Collective Action in which they sought to represent similarly
2 situated Postal Inspectors (i.e. Postal Inspectors at the
3 I.S.L.E.-13 level.) (See Plaintiffs' Motion, Exh. D.).

4 Therefore, the postal inspectors who are part of this collective
5 action are I.S.L.E.-13 Postal Inspectors. Level 14 team leaders
6 are not part of this litigation, and therefore, requests for
7 admission concerning Level 14 team leaders are outside the scope
8 of permissible discovery.

9 **REQUEST FOR ADMISSION NO. 53:**

10 Level 14 team leaders are required to average 50 hours of
11 work per week.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 53:**

13 Defendant objects to this request for admission because it
14 is not relevant to Plaintiffs' claims in this litigation. On
15 April 13, 2004, Plaintiffs filed a Motion for Certification of
16 Collective Action in which they sought to represent similarly
17 situated Postal Inspectors (i.e. Postal Inspectors at the
18 I.S.L.E.-13 level.) (See Plaintiffs' Motion, Exh. D.).
19 Therefore, the postal inspectors who are part of this collective
20 action are I.S.L.E.-13 Postal Inspectors. Level 14 team leaders
21 are not part of this litigation, and therefore, requests for
22 admission concerning Level 14 team leaders are outside the scope
23 of permissible discovery.

24 **REQUEST FOR ADMISSION NO. 54:**

25 A Level 14 postal inspector that does not maintain an
26 average of a 50 hour work week, will not receive availability
27 pay.

1 RESPONSE TO REQUEST FOR ADMISSION NO. 54:

2 Defendant objects to this request for admission because it
3 is not relevant to Plaintiffs' claims in this litigation. On
4 April 13, 2004, Plaintiffs filed a Motion for Certification of
5 Collective Action in which they sought to represent similarly
6 situated Postal Inspectors (i.e. Postal Inspectors at the
7 I.S.L.E.-13 level.) (See Plaintiffs' Motion, Exh. D.).
8 Therefore, the postal inspectors who are part of this collective
9 action are I.S.L.E.-13 Postal Inspectors. Level 14 team leaders
10 are not part of this litigation, and therefore, requests for
11 admission concerning Level 14 team leaders are outside the scope
12 of permissible discovery.

13 REQUEST FOR ADMISSION NO. 55:

14 Not all level 14 team leader have any level 13 or below
15 inspectors on their teams.

16 RESPONSE TO REQUEST FOR ADMISSION NO. 55:

17 Defendant objects to this request for admission because it
18 is not relevant to Plaintiffs' claims in this litigation. On
19 April 13, 2004, Plaintiffs filed a Motion for Certification of
20 Collective Action in which they sought to represent similarly
21 situated Postal Inspectors (i.e. Postal Inspectors at the
22 I.S.L.E.-13 level.) (See Plaintiffs' Motion, Exh. D.).
23 Therefore, the postal inspectors who are part of this collective
24 action are I.S.L.E.-13 Postal Inspectors. Level 14 team leaders
25 are not part of this litigation, and therefore, requests for

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1 admission concerning Level 14 team leaders are outside the scope
2 of permissible discovery.

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4 DATED: October 19, 2004.

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