

JOHN H. REICHMAN

john@johnreichmanlaw.com

917.626.8025

March 2, 2021

VIA ECF

Hon. Vera M. Scanlon, U.S.M.J.
United States District Court – E.D.N.Y.
225 Cadman Plaza East, 1214 South
Brooklyn, NY 11201

Re: *Roslyn La Liberte v Reid*; 18cv5398 (DLI) (VMS)

Your Honor:

We represent Defendant Joy Reid in the above-entitled action and write with respect to Plaintiff Roslyn La Liberte's failure to provide complete responses to the overwhelming majority of Ms. Reid's interrogatories and requests for production of documents ("RFPs"). The Court should order Plaintiff to fully respond to Ms. Reid's interrogatories 2-4, 7-8, 10, 12-14, 17, 18 and RFPs 1-15, 17-22, 24-29, 31-37, 39, 41, and 43. It should also order that, to the extent evidence is responsive to Ms. Reid's discovery demands but is not disclosed, Plaintiff will be precluded from introducing such evidence at trial or in relation to any dispositive briefing. Ms. Reid's written discovery and Plaintiff's responses thereto are annexed hereto as **Exhibits A through D**.

Ms. Reid's counsel conferred with Plaintiff's counsel, Lin Wood and David Olasov, in an attempt to resolve the issues set forth herein. The parties were unable to reach a resolution. Plaintiff's position was that, as a "threshold matter," it was necessary to determine which of Ms. Reid's affirmative defenses remained in the case as a result of the Second Circuit's July 15, 2020 decision (the "Decision") before any discussion could take place. As shown below, this position is disingenuous; each of Ms. Reid's requests are indisputably relevant to Plaintiff's liability and damage claims and there is nothing in the Decision limiting the discovery Ms. Reid seeks. The Decision found that Plaintiff adequately pled her claim under the Rule 12(b)(6) motion to dismiss liberal pleading standard, "accepting all factual allegations in the complaint as true, and drawing all reasonable inferences in the plaintiff's favor." *La Liberte v. Reid*, 966 F.3d 79, 85 (2d Cir. 2020). The Second Circuit did not, of course, decide this case in Plaintiff's favor—it must still be litigated. Indeed, the Second Circuit stated that Plaintiff's claim "should proceed to discovery." *Id.* at 94.

Discovery Regarding Plaintiff's Special Damages

Plaintiff has failed to fully answer RFPs 26-28 and interrogatories 3 and 4, which seek documents and information concerning her claims that Ms. Reid's posts caused eight customers to stop doing business with RC Design Construction Associates, Inc. ("RC") and the loss of sales commissions. This issue is also the subject of Ms. Reid's pending motion to compel regarding Plaintiff's initial disclosures.

Plaintiff's response to each of the aforementioned requests is, "upon the determination of the pending motion to compel plaintiff will produce documents sufficient to show and quantify lost profits to RC Construction Associates, Inc. and her damage flowing from defendant's actions." Ex. B at 11. There are multiple problems with this response. Ms. Reid is entitled to documents such as RC's financial statements, sales reports, and lost commissions, including the names of lost customers, to test whether business was in fact lost because of Ms. Reid's actions. Numerous

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individuals, including many with large public followings, posted the photograph of Plaintiff at the Simi Valley city council meeting (“Council Meeting”) before Ms. Reid did. Further, several people revealed Plaintiff’s business, phone number, and address before Ms. Reid posted. Dkt. 18 ¶¶ 20-34. The identity of the supposed lost customers is critical to determining whether they stopped doing business with Plaintiff and did so because of Ms. Reid’s posts. This is a fundamental aspect of Plaintiff’s claim; yet, she is barring Ms. Reid from discovering anything about it.

Plaintiff’s February 12, 2021 letter (Dkt. 69), attempting to justify its deficient initial disclosures, also shows Plaintiff’s lack of good faith. Plaintiff argues that revealing the names of former customers would cause RC to lose business, and her solution to this non-existent problem was to provide information about Plaintiff’s lost customers only after Plaintiff was deposed, thereby denying Defendant any meaningful opportunity to examine Plaintiff about her putative damages. In the same vein, after Defendant drafted a confidentiality order at Plaintiff’s insistence, *Plaintiff’s counsel then refused to negotiate or enter into one.*

Finally, Plaintiff’s reason for refusing to provide information about damages—that the Decision held “Plaintiff had no obligation to plead or establish special damages,” and because her damages are “presumed as a matter of law”—directly conflicts with Supreme Court precedent. Ex. D at 5; Dkt. 69 at 2. In *Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974), the Supreme Court flatly rejected Plaintiff’s position and found the First Amendment prohibits presumed damages in defamation cases where the plaintiff is a private figure and does not prove actual malice. The Court held that “States may not permit recovery of presumed or punitive damages . . . when liability is not based on a showing of knowledge of falsity or reckless disregard for the truth.” *Id.* at 349 (stating it is “necessary to restrict defamation plaintiffs who do not prove [actual malice] to compensation for *actual injury* (emphasis added)).

Plaintiff’s Political Activities are Relevant to Numerous Issues in the Action

Ms. Reid’s RFPs 1-4, 24, 31, 35-37 and 39 seek documents and information concerning protests, council meetings and other public events Plaintiff attended; hate messages she received with respect to those events; communications where Plaintiff was accused of racist conduct; positions she took and communications she had concerning immigration issues; communications with the Federation for American Immigration Reform (“FAIR”); Plaintiff’s contacts with the media; and Plaintiff’s social media posts concerning public issues. Ms. Reid’s interrogatories 2, 4, and 17 ask for the events Plaintiff attended, her social media posts, and media contacts.

Plaintiff has refused to provide the requested documents and information, uniformly asserting that each request is irrelevant, fails the test of proportionality and “is not reasonably calculated to lead to the discovery of admissible evidence” because:

[Plaintiff’s] status as a private citizen has been determined . . . by the Court of Appeals Furthermore, a direction for her to answer this RFP would have the effect of burdening her participation as a private citizen in matters of public interest. . . . La Liberte objects that an order . . . requiring a response . . . would constitute “state action” . . . improperly infringing upon her First Amendment rights.

Ex. B at 2. There is no such thing as a state action defense to discovery. To the extent Plaintiff claims her responses are protected by the First Amendment, no “‘absolute’ privilege exists protecting documents from discovery under the First Amendment. . . .” *P. & B. Marina, Ltd. P’ship v. Logrande*, 136 F.R.D. 50, 60-62 (E.D.N.Y. 1991) (denying a claim that documents

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should be withheld to protect the First Amendment right to petition). In particular, where the objection is based on a party's associational rights, "the association privilege cannot be used to circumvent general and legitimate discovery where the specter of intimidation and reprisal is not present." *Sherwin-Williams Co. v. Spitzer*, No. 1:04-cv-185, 2005 WL 2128938, at *5 (N.D.N.Y. Aug. 24, 2005) (finding plaintiffs did not make a showing of a reasonable probability of a "chill or threat" to organization members). Here, Plaintiff filed this lawsuit and put her reputation and views at issue—she opened the door. "[O]nce a party initiates . . . an action, '[she]' cannot realistically hope to pursue the suit in a risk-free atmosphere." *Id.*

"A plaintiff places [her] reputation at issue when . . . she sues for defamation if only because a jury may award damages for injury to reputation." *Rulon v. City of Colton*, No. G050697, 2015 WL 1609018, *4 (Cal. Ct. App. Apr. 10 2015). Absent evidence showing damage to reputation, a jury could award nominal damages of \$1. *See, e.g., Core Wealth Mgmt., LLC v. Heller*, No. B199366, 2010 WL 1453068 (Cal. Ct. App. Apr. 13, 2010); *see also Lenz v. Universal Music Corp.*, 815 F.3d 1145 (9th Cir. 2016).

All of Ms. Reid's RFPs and interrogatories are relevant to the following allegations, among others, in her first amended complaint ("FAC"): Ms. Reid damaged her reputation; Ms. Reid caused Plaintiff per se and special damages; Plaintiff has lived a private life outside of the public eye; Plaintiff is not a bigoted racist, and the racial slurs made at the Council Meeting do not reflect Plaintiff or her views. *See* FAC ¶¶ 47, 69, 75, 86. For example, despite Plaintiff's obstruction of discovery, Ms. Reid uncovered evidence of other events that could have caused Plaintiff the reputational harm she attributes to Ms. Reid. On February 25, 2017, more than a year before the Council Meeting, Plaintiff punched a teenager at a pro-Trump rally in Hollywood, California. This violent encounter was captured on video and posted online.¹

Indeed, it appears that Plaintiff regularly and publicly confronts vulnerable teenagers on divisive matters of public concern. We now know, again without the benefit of discovery, of three interactions Plaintiff had with vulnerable teenagers: the video of plaintiff punching a teenager at the Hollywood rally, a 2018 photograph of Plaintiff arguing with another teenager published in *The Washington Post*, *see Exhibit E*, and the photograph published in the *Ventura County Star* showing Plaintiff screaming at a 14-year-old at the Council Meeting, *see Exhibit F*. Ms. Reid is entitled to pursue whether Plaintiff's purported damages were caused by actions that occurred before Ms. Reid's social media posts.

Finally, while the Decision found that Plaintiff did not need to *plead* actual malice because she did not appear to be a limited purpose public figure, it does not preclude Ms. Reid from discovering and presenting other evidence, such as the Hollywood video, showing that Plaintiff in fact meets the limited purpose public figure test. *See La Liberte*, 966 F.3d at 92 (noting the district court erred by requiring Plaintiff to "*allege*" actual malice (emphasis added)).

Plaintiff's Selective and Outright Refusal to Provide Relevant Documents and Information

Plaintiff has inexplicably refused to provide any documents it has regarding Ms. Reid (RFP

¹ *Fists Fly As Trump Supporters Rally for Boycott of Oscars Ceremony*, Ruptly (Feb. 25, 2017) https://www.ruptly.tv/en/videos/20170225-067-USA--Fists-fly-as-Trump-supporters-rally-for-boycott-of-Oscars-ceremony?search_key=e41d36e9-c98f-4e21-8cde-af042e041269 (last accessed on February 23, 2021). According to Wikipedia, Ruptly is a sister agency of RT, Russian TV, and in 2020 had 1.48 million subscribers and reached up to 3,000,000 viewers.

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29). In response to numerous document requests, Plaintiff only agreed to produce selective documents and not others called for. For example, while RFPs 6-8 and 13 call for all documents concerning the hate messages Plaintiff received, Plaintiff only agreed to produce the hate messages themselves. Plaintiff's communications *about* the hate messages are also highly relevant. Similarly, Plaintiff refuses to fully respond to RFP 5 (concerning Plaintiff's allegation that the photograph at the heart of this action was taken out of context); RFP 17-21 (concerning Plaintiff's communications with third parties including key witnesses in the case); RFP 10 (concerning Plaintiff's allegation that the racial slurs do not reflect Plaintiff or her views); RFPs 11-12 and 14 (concerning Plaintiff's allegations that Ms. Reid performed no investigation and had no source for her posts and knew of their falsity); RFP 22 (concerning communications that Plaintiff and her family had with Ms. Reid); RFPs 33-34 (concerning communications with Arthur Schaper, the head of FAIR, and Genevieve Peters, who attended the Council Meeting, which likely detail, among other comments, whether the statements in Ms. Reid's posts reflect Plaintiff or her views, and what Plaintiff said at the Council Meeting).

Plaintiff also refused to adequately answer numerous interrogatories. For example, interrogatory 14 asks Plaintiff to describe each communication she had with persons who attended the Council Meeting before, during, and after the meeting. Plaintiff referenced a single text message she had about the meeting, but then failed to state whether other documents exist or describe the communications she (undoubtedly) had. Plaintiff also failed to fully answer interrogatories 8 (the basis for Plaintiff's allegation that the racial slurs do not reflect Plaintiff or her views); 10 (identifying documents showing that Ms. Reid had knowledge of the falsity of her posts); and 12 (communications Plaintiff's daughter had with the police). Plaintiff also refused to answer in their entirety interrogatories 13 (the basis for the allegation that Ms. Reid was trying to advance her career and political agenda) and 18 (communications with Fox 11 in Los Angeles).

Refusal to Provide Evidence on How Objective Readers Interpreted Ms. Reid's Posts

Plaintiff's FAC alleges that "objective readers interpreted Reid's retweet as accusing La Liberte of being one of those who screamed racial obscenities at a minor during the City Council Meeting." FAC ¶ 45. Ms. Reid's interrogatory 7 and RFP 9 ask Plaintiff to identify facts and documents to support this allegation, but Plaintiff refuses to do so, arguing these inquiries are barred by the Decision. The Decision's finding that one of Ms. Reid's posts was not nonactionable opinion does not mean Ms. Reid is foreclosed from probing the manner in which the public understood it. "Whether a challenged statement 'declares or implies a provable false assertion of fact is a question of law for the court to decide, unless the statement is susceptible of both an innocent and a libelous meaning, in which case the jury must decide how the statement was understood.'" *Overhill Farms v. Lopez*, 190 Cal. App. 4th 1248, 1261 (Cal. Ct. App. 2010).

The Court should order Plaintiff to fully respond to Ms. Reid's interrogatories 2-4, 7-8, 10, 12-14, 17, 18 and RFPs 1-15, 17-22, 24-29, 31-37, 39, 41, and 43.

Respectfully submitted,

/s/ John H. Reichman

John H. Reichman

cc: All Counsel on ECF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROSLYN LA LIBERTE,	:
	:
Plaintiff,	:
	:
v.	: Civil Action No. 1:18-cv-05398
	:
JOY REID,	: ECF Case
	:
Defendant.	:
	:
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**DEFENDANT JOY REID’S FIRST SET OF
REQUESTS FOR PRODUCTION TO PLAINTIFF**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendant Joy Reid (“Defendant”), by and through her undersigned counsel, hereby propounds the following Requests for Production (“RFPs”) on Plaintiff Roslyn La Liberte (“Plaintiff” or “La Liberte”) and requests Plaintiff respond to the RFPs and produce the documents and things described below for inspection and copying at the offices of Defendant’s counsel, or at such other location agreed upon by the parties, within thirty (30) days in accordance with the Federal Rules of Civil Procedure and the Definitions and Instructions set forth below, and supplement such production and responses as required by Rule 26(e) of the Federal Rules of Civil Procedure.

DEFINITIONS

Defendant incorporates herein the “Uniform Definitions in Discovery Requests,” Rule 26.3 of the Local Rules of the United States District Court for the Eastern District of New York.

1. “ACTION” refers to the above-entitled case captioned *La Liberte v. Reid*, Case No. 1:18-cv-05398, proceeding in the United States District Court for the Eastern District of New York.

2. “FAC” refers to the First Amended Complaint filed on November 27, 2018 in this ACTION (Dkt. No. 16).

3. “DESCRIBE” or “IDENTIFY”:

- (a) When used in reference to a PERSON means to give, to the extent known, the PERSON’s full name, present or last known address, and, when referring to a natural PERSON, the present or last known place of employment and title, the nature of his/her relationship(s) to PLAINTIFF, present or last-known home and business phone numbers, and if that PERSON is or was the PLAINTIFF’s employee or otherwise had a contractual relationship with PLAINTIFF, such individual’s dates of employment or contractual relationship with that PLAINTIFF and job title(s) with that PLAINTIFF, though once a PERSON has been identified in accordance with this subsection, only the name of that PERSON need be listed in response to subsequent discovery requesting the identification of that PERSON;
- (b) When used in reference to an entity means to give, to the extent known, the entity’s name, present or last-known address, present or last-known telephone number, and name of the contact PERSON for the entity;
- (c) When used in reference to DOCUMENTS or COMMUNICATIONS means to give, to the extent known, the type of DOCUMENT or COMMUNICATIONS, the general subject matter, the date, and, as applicable, the author(s), addressee(s), recipient(s), and custodian(s). If any such DOCUMENT is no longer in YOUR possession or subject to YOUR

control, state what disposition was made of it, the date of such disposition, and the PERSON having knowledge of its content; and

- (d) When used in reference to an act, event, instance, occasion, meeting, conversation, allegation, or contention, means to state all facts CONCERNING the subject matter in detail, INCLUDING the date and place thereof, to IDENTIFY the individual participants, to summarize separately for each individual participant what she or he said or did, and to IDENTIFY each DOCUMENT or COMMUNICATION used or prepared in connection therewith or making any reference thereto.

4. “INCLUDING” should be read to include “including but not limited to” and is used to emphasize the type of INFORMATION requested and should not be construed as limiting the request in any way.

5. “PLAINTIFF,” “YOU” and/or “YOUR” refers to Roslyn La Liberte, the Plaintiff in the ACTION, her family, and any firm, partnership, incorporated or unincorporated association, any other legal or commercial entity, employee, agent, present or former attorney, or any other PERSON acting on her behalf.

6. “DEFENDANT” refers to Joy Reid, the DEFENDANT in this ACTION, and anyone acting on her behalf.

7. “DOCUMENT” or “DOCUMENTS” have the full meaning ascribed to those terms under Rule 34 of the Federal Rules of Civil Procedure and include, without limitation, any and all drafts, COMMUNICATIONS, e-mails, correspondence, letters, memoranda, records, reports, books, summaries, diaries, graphs, charts, diagrams, tables, photographs, recordings, tapes, microfilms, minutes, calendars, press releases, notes, work papers, checks, check

vouchers, and any other written, recorded, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced, and any paper or writing of whatever description, INCLUDING any computer database or INFORMATION contained in any computer although not yet printed out.

8. “COMMUNICATION” or “COMMUNICATIONS” shall mean and refer to any transmission of information by one or more PERSON to one or more PERSONS by any means including, without limitation, every manner or method of the disclosure, transfer, or exchange of information, whether orally, electronically, or by DOCUMENT, and whether face to face or by telephone, mail, facsimile, e-mail, text message, Internet COMMUNICATION, or otherwise.

9. “INFORMATION” means facts, circumstance, specific statements, DOCUMENTS, and COMMUNICATIONS.

10. “PERSON” or “PERSONS” shall mean and refer to any individual, firm, partnership, incorporated or unincorporated association, or any other legal or commercial entity, and shall include the owners, officers, directors, agents, trustees, parents, or subsidiaries, affiliates, assignees, predecessors, and successors of each such PERSON(S).

11. “CONCERNING,” “RELATING TO,” or “REGARDING” mean referring to, reflecting, describing, evidencing, constituting, containing, alluding to, germane to, mentioning, analyzing, setting forth, summarizing, supporting, refuting, or characterizing, directly or indirectly, expressly or implicitly, in whole or in part, the subject matter of the RFP.

12. “RALLY” and/or “PROTEST” means any public gathering of individuals who come together for the purpose of making a statement, impact, argument, or taking any action RELATING TO a particular cause, idea, message, agenda, law, policy, election, proposition, and/or regulation.

13. “COUNCIL MEETING” means the Simi Valley, California City Council meeting that took place on June 25, 2018.

14. “PHOTOGRAPH” means the photograph taken of PLAINTIFF at the COUNCIL MEETING, as referenced in Paragraph 13 of the FAC.

15. “MEDIA” refers to any means of disseminating INFORMATION to the public and any PERSON who disseminates INFORMATION to the PUBLIC INCLUDING through broadcasting, publishing, and the Internet.

16. “PUBLIC ISSUES” means any topic of mutual concern, interest, or discussion to a PERSON or PERSONS, INCLUDING topics related to social, political, or other subjects.

17. “JUNE 29, 2018 RETWEET” means the June 29, 2018 Twitter post on Joy Reid’s Twitter account, under the username @JoyAnnReid, attached to PLAINTIFF’s FAC as Exhibit 2.

18. “JUNE 29, 2018 INSTAGRAM POST” means the June 29, 2018 Instagram post on Joy Reid’s Instagram account, under the username joyannreid, attached to PLAINTIFF’s FAC as Exhibit 3.

19. To bring within the scope of these Interrogatories all INFORMATION that might otherwise be construed to be outside of their scope, the following additional rules of construction apply: (i) The masculine, feminine, or neuter pronoun shall not exclude other genders; (ii) the words “include” or “including” mean include or including without limitation; (iii) the present tense shall be construed to include the past tense and vice versa; (iv) references to employees, officers, directors, or agents shall include both current and former employees, officers, directors, and agents; and (v) the use of the singular form of any word shall be taken to mean the plural as well as the singular and vice versa.

INSTRUCTIONS

1. The terms defined above and the individual RFPs are to be construed broadly to the fullest extent of their meaning in a good faith effort to comply with the Federal Rules of Civil Procedure.

2. If any part of a DOCUMENT is responsive to any RFP, the whole DOCUMENT is to be produced, subject to any further agreement between the parties concerning appropriate redactions.

3. Any alteration of a responsive DOCUMENT, including notes, underlining, stamps, drafts, revisions, modifications, and other versions of a final document, is a separate DOCUMENT and is to be produced as a separate DOCUMENT.

4. All DOCUMENTS are to be produced with the file folder, envelope, or other container in which the DOCUMENTS are maintained. If, for any reason, the container cannot reasonably be produced, copies of all labels or other identifying marks are to be produced instead.

5. All DOCUMENTS produced electronically are to include all reasonably available metadata fields, INCLUDING but not limited to the date created and any custodian information.

6. If YOU file a timely objection to any portion of an RFP, Definition, or Instruction, DOCUMENTS responsive to the remaining portion are to be produced.

7. The headings set forth within the numbered requests below are for convenience and are not intended to affect the meaning or construction of any RFP.

8. The words “all,” “any,” “each,” “and,” and/or “or” shall be construed conjunctively or disjunctively as necessary to make these RFPs inclusive rather than exclusive.

9. If any DOCUMENT is withheld, in whole or in part, for any reason, INCLUDING but not limited to any claim of privilege of any kind, work-product protection,

trade secret, or confidentiality, to the extent that this information is not evident from the produced portion(s) of the DOCUMENT, YOU must set forth separately with respect to each DOCUMENT: (a) the nature of the privilege or ground of confidentiality claimed; (b) the author(s) of the DOCUMENT (designating which, if any, are attorneys); (c) the recipient(s) of the DOCUMENT, including all PERSONS who received copies of the DOCUMENT (designating which, if any, are attorneys); (d) a description of the DOCUMENT (or redacted portion of the DOCUMENT) as set forth in Rule 26(b)(5)(A)(ii) of the Federal Rules of Civil Procedure; (e) the Bates range of the DOCUMENT; and (e) the privilege log reference number, if applicable.

10. If INFORMATION is redacted from a DOCUMENT or thing produced pursuant to these RFPs, YOU are requested to IDENTIFY the redaction by stamping the word “redacted” on the document on the place or places where the information has been redacted, and, as applicable, separately enter each redaction on a privilege or redaction log on terms that may be agreed to between the parties.

11. If YOU object in whole or in part to any of the following RFPs, please state in detail the basis for YOUR objection to the particular RFP and all facts upon which YOU rely to support YOUR objection. In addition, YOU are requested to IDENTIFY all DOCUMENTS or things for which YOU are interposing any objection.

12. If YOU cannot comply with any of the following RFPs in full after exercising due diligence to secure the DOCUMENTS or things, so state and produce to the extent possible. Specify YOUR inability to produce the remainder and state whatever information or knowledge YOU may have REGARDING the unproduced DOCUMENTS and things.

13. The following RFPs are continuing so as to require prompt supplemental responses if YOU obtain further information or DOCUMENTS or things with respect to the same between the time YOUR initial responses are served and the time of trial, and such information is to be made known (and DOCUMENTS or things to be produced) by means of amended answers to these RFPs promptly upon first being discovered.

14. Unless otherwise identified in a specific RFP, the relevant time period is January 1, 2016 through the present day (the “Relevant Period”).

15. DEFENDANT serves these RFPs without prejudice to her right to serve additional RFPs.

REQUESTS FOR PRODUCTION

RFP NO. 1:

All DOCUMENTS and COMMUNICATIONS CONCERNING RALLIES and/or PROTESTS and/or council meetings and/or public forums YOU attended concerning United States immigration issues or other PUBLIC ISSUES during the Relevant Period.

RFP NO. 2:

All DOCUMENTS and COMMUNICATIONS INCLUDING, but not limited to, any hate messages YOU received CONCERNING YOUR participation in RALLIES and/or PROTESTS, other than the COUNCIL MEETING, during the Relevant Period.

RFP NO. 3:

All DOCUMENTS and COMMUNICATIONS alleging YOU are racist or engaged in racist conduct, other than COMMUNICATIONS related to YOUR conduct at the COUNCIL MEETING, during the Relevant Period.

RFP NO. 4:

All DOCUMENTS and COMMUNICATIONS INCLUDING, but not limited to, any hate messages YOU received CONCERNING YOUR views on immigration prior to the COUNCIL MEETING.

RFP NO. 5:

All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR allegation in paragraphs 13 and 40 of the FAC that the PHOTOGRAPH was taken “out-of-context.”

RFP NO. 6:

All DOCUMENTS and COMMUNICATIONS CONCERNING the “hundreds if not thousands of hate messages” YOU received via text, hard mail, e-mail, or otherwise received, as alleged in paragraph 15 of the FAC.

RFP NO. 7:

All DOCUMENTS and COMMUNICATIONS INCLUDING, but not limited to, the alleged “hate messages” referenced in paragraph 15 of the FAC that YOU received prior to the JUNE 29, 2018 RETWEET.

RFP NO. 8:

All DOCUMENTS and COMMUNICATIONS INCLUDING, but not limited to, the alleged “hate messages” referenced in paragraph 15 of the FAC that YOU received prior to the JUNE 29, 2018 INSTAGRAM POST.

RFP NO. 9:

All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR allegation in paragraph 45 of the FAC that “objective readers interpreted Reid’s retweet as accusing La

Liberte of being one of those who screamed racial obscenities at a minor during the City Council meeting.”

RFP NO. 10:

All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR allegation in paragraph 47 of the FAC that the racial statements alleged “do not reflect La Liberte or her views.”

RFP NO. 11:

All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR allegation in paragraph 50 of the FAC that DEFENDANT “made her June 29 Instagram Post without any source at all.”

RFP NO. 12:

All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR allegation in paragraph 51 of the FAC that DEFENDANT “performed no investigation whatsoever before leveling these accusations against La Liberte.”

RFP NO. 13:

All DOCUMENTS and COMMUNICATIONS CONCERNING the “avalanche of hate messages” YOU received, as alleged in paragraph 61 of the FAC.

RFP NO. 14:

All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR allegation in paragraph 85 of the FAC that DEFENDANT “had knowledge of falsity . . . of her Publications.”

RFP NO. 15:

All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR allegation in paragraph 92 of the FAC that YOU had to “cancel [YOUR] business website.”

RFP NO. 16:

All DOCUMENTS and COMMUNICATIONS CONCERNING interactions YOU had with police as alleged in paragraph 93 of the FAC.

RFP NO. 17:

All DOCUMENTS and COMMUNICATIONS CONCERNING what YOU allege YOU actually COMMUNICATED to the fourteen-year-old boy, referenced in paragraph 2 of the FAC, at the COUNCIL MEETING.

RFP NO. 18:

All DOCUMENTS and COMMUNICATIONS CONCERNING what YOU allege YOU COMMUNICATED to the City Council at the COUNCIL MEETING.

RFP NO. 19:

All DOCUMENTS and COMMUNICATIONS CONCERNING interactions YOU had with the fourteen-year-old boy, referenced in Paragraph 2 of the FAC, who attended the COUNCIL MEETING, during the Relevant Period.

RFP NO. 20:

All DOCUMENTS and COMMUNICATIONS CONCERNING interactions YOU had with the mother of the fourteen-year-old boy, referenced in Paragraph 2 of the FAC, who attended the COUNCIL MEETING, during the Relevant Period.

RFP NO. 21:

All DOCUMENTS and COMMUNICATIONS CONCERNING racial slurs COMMUNICATED at the COUNCIL MEETING.

RFP NO. 22:

All DOCUMENTS and COMMUNICATIONS RELATED TO messages YOU exchanged with DEFENDANT during the Relevant Period.

RFP NO. 23:

All DOCUMENTS and COMMUNICATIONS YOU have had with PERSONS, INCLUDING the MEDIA, concerning the allegations in the FAC.

RFP NO. 24:

All DOCUMENTS and COMMUNICATIONS YOU have had with PERSONS CONCERNING United States immigration issues during the Relevant Period.

RFP NO. 25:

Financial DOCUMENTS or COMMUNICATIONS identifying any business in which YOU had a direct or indirect ownership interest during the Relevant Period.

RFP NO. 26:

With respect to any business YOU allege was damaged by the DEFENDANT's actions, all DOCUMENTS CONCERNING such harm.

RFP NO. 27:

With respect to any business YOU allege was damaged by the DEFENDANT's actions, all financial reports and INFORMATION CONCERNING such business, including quarterly and annual financial statements and sales reports.

RFP NO. 28:

All DOCUMENTS that IDENTIFY any PERSON who ceased or reduced doing business with YOU or a business that YOU had an interest in as a result of the DEFENDANT's actions.

RFP NO. 29:

All DOCUMENTS and COMMUNICATIONS CONCERNING DEFENDANT.

RFP NO. 30:

All DOCUMENTS and COMMUNICATIONS CONCERNING financial support YOU have received in connection with this ACTION or the financing of this ACTION.

RFP NO. 31:

All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR views on United States immigration policy during the Relevant Period.

RFP NO. 32:

All DOCUMENTS and COMMUNICATIONS CONCERNING the PERSON Alan Vargas, referenced in paragraph 41 of the FAC, during the Relevant Period.

RFP NO. 33:

All DOCUMENTS and COMMUNICATIONS CONCERNING the PERSON Arthur Christopher Schaper during the Relevant Period.

RFP NO. 34:

All DOCUMENTS and COMMUNICATIONS CONCERNING the PERSON Genevieve Peters during the Relevant Period.

RFP NO. 35:

All DOCUMENTS and COMMUNICATIONS CONCERNING the Federation for American Immigration Reform during the Relevant Period.

RFP NO. 36:

All DOCUMENTS and COMMUNICATIONS CONCERNING PERSONS YOU COMMUNICATED with on United States immigration issues during the Relevant Period.

RFP NO. 37:

All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR contacts with the MEDIA CONCERNING the ACTION during the Relevant Period.

RFP NO. 38:

All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR social media posts CONCERNING the ACTION.

RFP NO. 39:

All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR social media posts CONCERNING United States immigration issues, PROTESTS, RALLIES, council meetings and PUBLIC ISSUES during the Relevant Period.

RFP NO. 40:

All DOCUMENTS and COMMUNICATIONS CONCERNING websites YOU maintain or maintained during the Relevant Period.

RFP NO. 41:

All DOCUMENTS CONCERNING COMMUNICATIONS YOU had with Elsa Aldguer and/or the “Genevieve” identified in YOUR Initial Disclosures.

RFP NO. 42:

All DOCUMENTS CONCERNING COMMUNICATIONS YOU had with Doug Codron, Savannah La Liberte, and/or any of YOUR other family members CONCERNING the claims in this ACTION and any damages or injury YOU allegedly suffered.

RFP NO. 43:

ALL DOCUMENTS that make up and/or are within the categories of DOCUMENTS listed in item 2 of YOUR Initial Disclosures.

RFP NO. 44:

ALL DOCUMENTS that YOU DESCRIBE or reference in YOUR responses to Defendant's First Set of Interrogatories.

Dated: December 21, 2020

By: /s/ Marcellus McRae
Theodore J. Boutrous, Jr.
Marcellus McRae (*pro hac vice*)
Marissa B. Moshell (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue, Floor 46
Los Angeles, CA 90071
213-229-7000
tboutrous@gibsondunn.com
mmcrae@gibsondunn.com
mmoshell@gibsondunn.com

By: /s/ John H. Reichman
John H. Reichman
Jason L. Libou
WACHTEL MISSRY LLP
One Dag Hammarskjold Plaza
885 Second Avenue, 47th Floor
New York, NY 10017
212-909-9500
reichman@wmlp.com
jlibou@wmlp.com

Attorneys for Defendant Joy Reid

CERTIFICATE OF SERVICE

I, Jason Libou, hereby certify that on December 21, 2020, I served the foregoing document on counsel for Plaintiff via electronic mail.

Dated: December 21, 2020

/s/ Jason Libou
Jason L. Libou

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----	X
ROSLYN LA LIBERTE,	: Civil Action No. 1:18-cv-05398
	: (DLI-VMS)
Plaintiff,	:
	: RESPONSES AND
-against-	: OBJECTIONS OF PLAINTIFF
	: ROSLYN LA LIBERTE TO
JOY REID,	: DEFENDANTS' FIRST SET
	: OF REQUESTS FOR
Defendant.	: PRODUCTION
-----	X

PLAINTIFF ROSLYN LA LIBERTE, by her attorneys, L. LIN WOOD, P.C. and OLASOV, LLP, hereby responds to the Defendant's First Set of Requests for Production dated December 21, 2020 (the "RFPs"), which were electronically filed before the initial scheduling conference with the Court held on January 11, 2021, as follows:

GENERAL OBJECTIONS

Plaintiff objects to the definitions and instructions set forth in Defendant's First Set of Requests for Production on the grounds that (i) they impose obligations materially beyond those established by the Federal Rules of Civil Procedure, (ii) as applied by defendant in the requests for production of documents themselves, they render the meaning of the requests obscure and uncertain, (iii) the definitions and instructions fail the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and make the requests for production themselves fail the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and render them not reasonably calculated to lead to the discovery of admissible evidence. Because defendant's definitions and

instructions are made applicable to each of her requests for production, plaintiff's general objections apply to each of defendant's interrogatories, whether or not it is recited in plaintiff's responses.

RESPONSES TO REQUESTS FOR PRODUCTION

RFP NO. 1: All DOCUMENTS and COMMUNICATIONS CONCERNING RALLIES and/or PROTESTS and/or council meetings and/or public forums YOU attended concerning United States immigration issues or other PUBLIC ISSUES during the Relevant Period.

RESPONSE: La Liberté incorporates by reference the General Objections. La Liberté further objects that the request made in RFP No. 1 fails the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and is not reasonably calculated to lead to the discovery of admissible evidence. Her status as a private citizen has been determined in this action by the Court of Appeals in *La Liberté v. Reid*, 966 F.3d 79 (2d Cir. July 15, 2020), and is law of the case. Furthermore, a direction for her to answer this RFP would have the effect of burdening her participation as a private citizen in matters of public interest. On the advice of counsel, La Liberté objects that an order of this Court requiring a response to this RFP would constitute "state action" implicating and improperly infringing upon her First Amendment rights.

RFP NO. 2: All DOCUMENTS and COMMUNICATIONS INCLUDING, but not limited to, any hate messages YOU received CONCERNING YOUR participation in RALLIES and/or PROTESTS, other than the COUNCIL MEETING, during the Relevant Period.

RESPONSE: La Liberté incorporates by reference the General Objections. La Liberté further objects that the request made in RFP No. 2 fails the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and is not reasonably calculated to lead to the discovery of admissible evidence. Her status as a private citizen has been determined in this action by the Court of Appeals in *La Liberté v. Reid*, 966 F.3d 79 (2d Cir. July 15, 2020), and is law of the case.

Furthermore, a direction for her to answer this RFP would have the effect of burdening her participation as a private citizen in matters of public interest. On the advice of counsel, La Liberte objects that an order of this Court requiring a response to this RFP would constitute “state action” implicating and improperly infringing upon her First Amendment rights. Without waiver or in limitation of the foregoing objection, but to avoid unnecessary litigation concerning this RFP, plaintiff states that, to the best of her recollection, she did not receive any “hate” mail prior to June 27, 2018.

RFP NO. 3: All DOCUMENTS and COMMUNICATIONS alleging YOU are racist or engaged in racist conduct, other than COMMUNICATIONS related to YOUR conduct at the COUNCIL MEETING, during the Relevant Period.

RESPONSE: La Liberte incorporates by reference the General Objections. La Liberte further objects that the request made in RFP No. 2 fails the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and is not reasonably calculated to lead to the discovery of admissible evidence. Her status as a private citizen has been determined in this action by the Court of Appeals in *La Liberte v. Reid*, 966 F.3d 79 (2d Cir. July 15, 2020), and is law of the case. Furthermore, a direction for her to answer this RFP would have the effect of burdening her participation as a private citizen in matters of public interest. On the advice of counsel, La Liberte objects that an order of this Court requiring a response to this RFP would constitute “state action” implicating and improperly infringing upon her First Amendment rights. Without waiver or in limitation of the foregoing objection, but to avoid unnecessary litigation concerning this RFP, plaintiff states that, to the best of her recollection, she did not receive any “hate” mail prior to June 27, 2018.

RFP NO. 4: All DOCUMENTS and COMMUNICATIONS INCLUDING, but not limited to, any hate messages YOU received CONCERNING YOUR views on immigration prior to the COUNCIL MEETING.

RESPONSE: La Liberte incorporates by reference the General Objections. La Liberte further objects that the request made in RFP No. 2 fails the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and is not reasonably calculated to lead to the discovery of admissible evidence. Her status as a private citizen has been determined in this action by the Court of Appeals in *La Liberte v. Reid*, 966 F.3d 79 (2d Cir. July 15, 2020), and is law of the case. Furthermore, a direction for her to answer this RFP would have the effect of burdening her participation as a private citizen in matters of public interest. On the advice of counsel, La Liberte objects that an order of this Court requiring a response to this RFP would constitute “state action” implicating and improperly infringing upon her First Amendment rights. Without waiver or in limitation of the foregoing objection, but to avoid unnecessary litigation concerning this RFP, plaintiff states that, to the best of her recollection, she did not receive any “hate” messages prior to June 25, 2018.

RFP NO. 5: All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR allegation in paragraphs 13 and 40 of the FAC that the PHOTOGRAPH was taken “out-of-context.”

RESPONSE: Plaintiff incorporates by reference the General Objections. Notwithstanding and without waiver of the foregoing Objections, plaintiff will produce a copy of the video of her interaction with Joseph Luevenos and the Fox interview of him, both of which establish that defendant’s treatment of the photograph as evidencing plaintiff’s racist conduct was without basis.

RFP NO. 6: All DOCUMENTS and COMMUNICATIONS CONCERNING the “hundreds if not thousands of hate messages” YOU received via text, hard mail, e-mail, or otherwise received, as alleged in paragraph 15 of the FAC.

RESPONSE: Plaintiff incorporates by reference the General Objections. Notwithstanding and without waiver of the foregoing Objections, plaintiff will produce documents constituting hate messages.

RFP NO. 7: All DOCUMENTS and COMMUNICATIONS INCLUDING, but not limited to, the alleged “hate messages” referenced in paragraph 15 of the FAC that YOU received prior to the JUNE 29, 2018 RETWEET.

RESPONSE: Plaintiff incorporates by reference the General Objections. Notwithstanding and without waiver of the foregoing Objections, plaintiff will produce documents constituting hate messages, if any, received prior to Defendant’s June 29, 2018 retweet.

RFP NO. 8: All DOCUMENTS and COMMUNICATIONS INCLUDING, but not limited to, the alleged “hate messages” referenced in paragraph 15 of the FAC that YOU received prior to the JUNE 29, 2018 INSTAGRAM POST.

RESPONSE: Plaintiff incorporates by reference the General Objections. Notwithstanding and without waiver of the foregoing Objections, plaintiff will produce documents constituting hate messages, if any, received prior to Defendant’s June 29, 2018 Instantgram post.

RFP NO. 9: All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR allegation in paragraph 45 of the FAC that “objective readers interpreted Reid’s retweet as accusing La 10 Liberte of being one of those who screamed racial obscenities at a minor during the City Council meeting.”

RESPONSE: Plaintiff incorporates by reference the General Objections. Plaintiff further objects on the grounds this RFP improperly calls upon Plaintiff to provide discovery with reference to a conclusion that the Court of Appeals for the Second Circuit reached in *La Liberte v. Reid*, 966 F.3d 79 (2d Cir. July 15, 2020), and is therefore law of the case.

RFP NO. 10: All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR allegation in paragraph 47 of the FAC that the racial statements alleged “do not reflect La Liberte or her views.”

RESPONSE: Plaintiff incorporate by reference the General Objections. Notwithstanding the foregoing Objection, and without waiver thereof, plaintiff will produce her counsel’s letter dated July 2, 2018 demanding a retraction and defendant’s apparent response to that demand,

which is her concession, and an admission against interest, that she “apparently got wrong” her publications that La Liberte was a racist doing racist things.

RFP NO. 11: All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR allegation in paragraph 50 of the FAC that DEFENDANT “made her June 29 Instagram Post without any source at all.”

RESPONSE: Plaintiff incorporate by reference the General Objections. Notwithstanding the foregoing Objection, and without waiver thereof, plaintiff will produce her counsel’s letter dated July 2, 2018 demanding and defendant’s apparent response to that demand, which is her concession, and an admission against interest, that she “apparently got wrong” her publications that La Liberte was a racist doing racist things, which omits any assertion that she had a source or did any investigation to support her prior allegations, and communications from La Liberte’s son to defendant that also put her on notice that her allegations were baseless. Her answer to the amended complaint likewise makes no averment that defendant based her publications upon any source or investigation, which constitutes an admission.

RFP NO. 12: All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR allegation in paragraph 51 of the FAC that DEFENDANT “performed no investigation whatsoever before leveling these accusations against La Liberte.”

RESPONSE: Plaintiff incorporate by reference the General Objections. Notwithstanding the foregoing Objection, and without waiver thereof, plaintiff will produce her counsel’s letter dated July 2, 2018 demanding and defendant’s apparent response to that demand, which is her concession, and an admission against interest, that she “apparently got wrong” her publications that La Liberte was a racist doing racist things, which omits any assertion that she had a source or did any investigation to support her prior allegations, and communications from La Liberte’s son to defendant that also put her on notice that her allegations were baseless.. Her answer to the

amended complaint likewise makes no averment that defendant based her publications upon any source or investigation, which constitutes an admission.

RFP NO. 13: All DOCUMENTS and COMMUNICATIONS CONCERNING the “avalanche of hate messages” YOU received, as alleged in paragraph 61 of the FAC.

RESPONSE: Plaintiff incorporates by reference the General Objections. Notwithstanding and without waiver of the foregoing Objections, plaintiff will produce documents constituting hate messages, in response to this RFP and the substantially identical RFP No. 6.

RFP NO. 14: All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR allegation in paragraph 85 of the FAC that DEFENDANT “had knowledge of falsity . . . of her Publications.”

RESPONSE: Plaintiff incorporates by reference the General Objections. Plaintiff further objects to RFP No. 14 on the grounds that it materially misstates the allegation contained in paragraph 85 of the first amended complaint, and that defendant in her answer stated that the allegation called for a legal conclusion to which no response was due. Notwithstanding the foregoing, plaintiff will produce the communications from her son to defendant, to which she did not respond.

RFP NO. 15: All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR allegation in paragraph 92 of the FAC that YOU had to “cancel [YOUR] business website.”

RESPONSE: Plaintiff incorporates by reference the General Objections. Plaintiff further objects to RFP No. 15 on the grounds that it materially misstates the allegation contained in paragraph 92 of the first amended complaint, and that defendant in her answer stated that the allegation called for a legal conclusion to which no response was due. Notwithstanding the foregoing, plaintiff produced with her Initial Disclosures, as Supplemented, documents constituting the cancellation of her business’s web site.

RFP NO. 16: All DOCUMENTS and COMMUNICATIONS CONCERNING interactions YOU had with police as alleged in paragraph 93 of the FAC.

RESPONSE: Plaintiff incorporates by reference the General Objections. Notwithstanding the foregoing, plaintiff will produce documents responsive to the foregoing request, but believes, to the best of her knowledge, information and belief, that no such documents are, or have ever been in plaintiff's possession, custody or control.

RFP NO. 17: All DOCUMENTS and COMMUNICATIONS CONCERNING what YOU allege YOU actually COMMUNICATED to the fourteen-year-old boy, referenced in paragraph 2 of the FAC, at the COUNCIL MEETING.

RESPONSE: Plaintiff incorporates by reference the General Objections. Notwithstanding the foregoing, plaintiff will produce a video recording of plaintiff's interaction with Mr. Joseph Luevenos taken by a third party, a Fox news report that was brought to defendant's attention and defendant's subsequent publication in which she referenced that news report and acknowledged that she "apparently" had been mistaken in her prior publications.

RFP NO. 18: All DOCUMENTS and COMMUNICATIONS CONCERNING what YOU allege YOU COMMUNICATED to the City Council at the COUNCIL MEETING.

RESPONSE: Plaintiff incorporates by reference the General Objections. Notwithstanding the foregoing, plaintiff will produce the Council's recording of the comments of citizens at the meeting, which includes and constitutes plaintiff's comments.

RFP NO. 19: All DOCUMENTS and COMMUNICATIONS CONCERNING interactions YOU had with the fourteen-year-old boy, referenced in Paragraph 2 of the FAC, who attended the COUNCIL MEETING, during the Relevant Period.

RESPONSE: Plaintiff incorporates by reference the General Objections. Notwithstanding the foregoing, plaintiff will produce a video recording of plaintiff's interaction with Mr. Joseph Luevenos by a third party, a Fox news report that was brought to defendant's attention and defendant's subsequent publication in which she referenced that news report and acknowledged that she "apparently" had been mistaken in her prior publications.

RFP NO. 20: All DOCUMENTS and COMMUNICATIONS CONCERNING interactions YOU had with the mother of the fourteen-year-old boy, referenced in Paragraph 2 of the FAC, who attended the COUNCIL MEETING, during the Relevant Period.

RESPONSE: Plaintiff incorporates by reference the General Objections. Notwithstanding the foregoing, plaintiff will produce a video recording of plaintiff's interaction with Mr. Joseph Luevenos taken by a third party, a Fox news report that was brought to defendant's attention and defendant's subsequent publication in which she referenced that news report and acknowledged that she "apparently" had been mistaken in her prior publications.

RFP NO. 21: All DOCUMENTS and COMMUNICATIONS CONCERNING racial slurs COMMUNICATED at the COUNCIL MEETING.

RESPONSE: Plaintiff incorporates by reference the General Objections. Notwithstanding the foregoing, plaintiff will produce a video recording of plaintiff's interaction with Mr. Joseph Luevenos taken by a third party, a Fox news report that was brought to defendant's attention, and defendant's subsequent publication in which she referenced that news report and acknowledged that she "apparently" had been mistaken in her prior publications, and the Council's recording of comments of citizens at the meeting, which includes and constitutes plaintiff's comments.

RFP NO. 22: All DOCUMENTS and COMMUNICATIONS RELATED TO messages YOU exchanged with DEFENDANT during the Relevant Period.

RESPONSE: Plaintiff incorporates by reference the General Objections. Notwithstanding the foregoing, plaintiff will produce the communications of her son to defendant, all of which are referenced in the first amended complaint, and the letter dated July 2, 2018 from La Liberte's counsel to defendant demanding a retraction.

RFP NO. 23: All DOCUMENTS and COMMUNICATIONS YOU have had with PERSONS, INCLUDING the MEDIA, concerning the allegations in the FAC.

RESPONSE: Plaintiff incorporates by reference the General Objections. Notwithstanding the foregoing, plaintiff will produce any documents or communications exchanged between La Liberte and the media concerning the allegations in the first amended complaint. However, to the best of her recollection, she did not speak with any representative of the media concerning the allegations of the first amended complaint. La Liberte also declined to speak with one or more persons who telephoned her, whom her husband or she believed to be investigators engaged by defendant or her counsel.

RFP NO. 24: All DOCUMENTS and COMMUNICATIONS YOU have had with PERSONS CONCERNING United States immigration issues during the Relevant Period.

RESPONSE: La Liberte incorporates by reference the General Objections. La Liberte further objects that the request made in RFP No. 24 fails the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and is not reasonably calculated to lead to the discovery of admissible evidence. Her status as a private citizen has been determined in this action by the Court of Appeals in *La Liberte v. Reid*, 966 F.3d 79 (2d Cir. July 15, 2020), and is law of the case. Furthermore, a direction for her to answer this RFP No. 24 would have the effect of burdening her participation as a private citizen in matters of public interest. On the advice of counsel, La Liberte objects that an order of this Court requiring a response to this RFP would constitute “state action” implicating and improperly infringing upon her First Amendment rights.

RFP NO. 25: Financial DOCUMENTS or COMMUNICATIONS identifying any business in which YOU had a direct or indirect ownership interest during the Relevant Period.

RESPONSE: La Liberte incorporates by reference the General Objections. Notwithstanding the foregoing, plaintiff will produce documents sufficient to identify her as the owner of RC Design Construction Associates, Inc., a pass through, subchapter S entity managed and controlled by plaintiff.

RFP NO. 26: With respect to any business YOU allege was damaged by the DEFENDANT's actions, all DOCUMENTS CONCERNING such harm.

RESPONSE: La Liberte incorporates by reference the General Objections. Notwithstanding the foregoing, and upon the determination of the pending motion to compel, plaintiff will produce documents sufficient to show and quantify lost profits to RC Design Construction Associates, Inc. and her, flowing from defendant's actions.

RFP NO. 27: With respect to any business YOU allege was damaged by the DEFENDANT's actions, all financial reports and INFORMATION CONCERNING such business, including quarterly and annual financial statements and sales reports.

RESPONSE: La Liberte incorporates by reference the General Objections. Notwithstanding the foregoing, and upon the determination of the pending motion to compel, plaintiff will produce documents sufficient to show and quantify lost profits to RC Design Construction Associates, Inc. and her, flowing from defendant's actions.

RFP NO. 28: All DOCUMENTS that IDENTIFY any PERSON who ceased or reduced doing business with YOU or a business that YOU had an interest in as a result of the DEFENDANT's actions.

RESPONSE: La Liberte incorporates by reference the General Objections. Notwithstanding the foregoing, and upon the determination of the pending motion to compel, plaintiff will produce documents sufficient to show and quantify lost profits to RC Design Construction Associates, Inc. and her, flowing from defendant's actions.

RFP NO. 29: All DOCUMENTS and COMMUNICATIONS CONCERNING DEFENDANT.

RESPONSE: La Liberte incorporates by reference the General Objections. La Liberte further objects that the request made in RFP No. 24 fails the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and is not reasonably calculated to lead to the discovery of admissible evidence.

RFP NO. 30: All DOCUMENTS and COMMUNICATIONS CONCERNING financial support YOU have received in connection with this ACTION or the financing of this ACTION.

RESPONSE: Plaintiff incorporates by reference the General Objections. Notwithstanding the foregoing, and without waiver thereof, and subject to the entry of a Protective Order directing each of plaintiff and defendant to disclose the same direct or indirect financing and funding information concerning direct or indirect financial or economic support for the prosecution and defense of this action, plaintiff will produce her engagement letter with L. Lin Wood, P.C., which constitutes the only means by which she is receiving any financial or economic support for the prosecution of this action.

RFP NO. 31: All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR views on United States immigration policy during the Relevant Period.

RESPONSE: La Liberté incorporates by reference the General Objections. La Liberté further objects that the request made in RFP No. 31 fails the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and is not reasonably calculated to lead to the discovery of admissible evidence. Her status as a private citizen has been determined in this action by the Court of Appeals in *La Liberté v. Reid*, 966 F.3d 79 (2d Cir. July 15, 2020), and is law of the case. Furthermore, a direction for her to answer this RFP would have the effect of burdening her participation as a private citizen in matters of public interest. On the advice of counsel, La Liberté objects that an order of this Court requiring a response to this RFP would constitute “state action” implicating and improperly infringing upon her First Amendment rights.

RFP NO. 32: All DOCUMENTS and COMMUNICATIONS CONCERNING the PERSON Alan Vargas, referenced in paragraph 41 of the FAC, during the Relevant Period.

RESPONSE: La Liberté incorporates by reference the General Objections. Notwithstanding the foregoing, plaintiff states that she has had no communications with Mr. Vargas, that her counsel have investigated Mr. Vargas’s public profile and publications and will

produce the results of their investigation, to the extent currently in plaintiff's possession, custody or control.

RFP NO. 33: All DOCUMENTS and COMMUNICATIONS CONCERNING the PERSON Arthur Christopher Schaper during the Relevant Period.

RESPONSE: La Liberté incorporates by reference the General Objections. La Liberté further objects that the request made in RFP No. 33 fails the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding the foregoing, plaintiff will produce any documents constituting communications with Mr. Schaper with reference to the Simi Valley council meeting.

RFP NO. 34: All DOCUMENTS and COMMUNICATIONS CONCERNING the PERSON Genevieve Peters during the Relevant Period.

RESPONSE: La Liberté incorporates by reference the General Objections. La Liberté further objects that the request made in RFP No. 34 fails the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and is not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding the foregoing, plaintiff will produce any documents constituting communications with Ms. Genevieve Peters (whose last name was not known to plaintiff), with reference to the Simi Valley council meeting.

RFP NO. 35: All DOCUMENTS and COMMUNICATIONS CONCERNING the Federation for American Immigration Reform during the Relevant Period.

RESPONSE: La Liberté incorporates by reference the General Objections. La Liberté further objects that the request made in RFP No. 35 fails the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and is not reasonably calculated to lead to the discovery of admissible evidence. Her status as a private citizen has been determined in this action by the Court of Appeals in *La Liberté v. Reid*, 966 F.3d 79 (2d Cir. July 15, 2020), and is law of the case. Furthermore, a direction for her to answer this RFP would have the effect of burdening her

participation as a private citizen in matters of public interest. On the advice of counsel, La Liberte objects that an order of this Court requiring a response to this RFP would constitute “state action” implicating and improperly infringing upon her First Amendment rights.

RFP NO. 36: All DOCUMENTS and COMMUNICATIONS CONCERNING PERSONS YOU COMMUNICATED with on United States immigration issues during the Relevant Period.

RESPONSE: La Liberte incorporates by reference the General Objections. La Liberte further objects that the request made in RFP No. 36 fails the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and is not reasonably calculated to lead to the discovery of admissible evidence. Her status as a private citizen has been determined in this action by the Court of Appeals in *La Liberte v. Reid*, 966 F.3d 79 (2d Cir. July 15, 2020), and is law of the case. Furthermore, a direction for her to answer this RFP would have the effect of burdening her participation as a private citizen in matters of public interest. On the advice of counsel, La Liberte objects that an order of this Court requiring a response to this RFP would constitute “state action” implicating and improperly infringing upon her First Amendment rights.

RFP NO. 37: All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR contacts with the MEDIA CONCERNING the ACTION during the Relevant Period.

RESPONSE: La Liberte incorporates by reference the General Objections. La Liberte further objects that the request made in RFP No. 37 fails the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and is not reasonably calculated to lead to the discovery of admissible evidence. Her status as a private citizen has been determined in this action by the Court of Appeals in *La Liberte v. Reid*, 966 F.3d 79 (2d Cir. July 15, 2020), and is law of the case. Furthermore, a direction for her to answer this RFP would have the effect of burdening her participation as a private citizen in matters of public interest. On the advice of counsel, La Liberte

objects that an order of this Court requiring a response to this RFP would constitute “state action” implicating and improperly infringing upon her First Amendment rights.

RFP NO. 38: All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR social media posts CONCERNING the ACTION.

RESPONSE: La Liberte incorporates by reference the General Objections. Notwithstanding the foregoing objections, and without waiver thereof, but to avoid unnecessary litigation concerning the foregoing request, plaintiff states that, to the best of her recollection, plaintiff has no active social media accounts, and has not made media posts concerning this action.

RFP NO. 39: All DOCUMENTS and COMMUNICATIONS CONCERNING YOUR social media posts CONCERNING United States immigration issues, PROTESTS, RALLIES, council meetings and PUBLIC ISSUES during the Relevant Period.

RESPONSE: La Liberte incorporates by reference the General Objections. La Liberte further objects that the request made in RFP No. 37 fails the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and is not reasonably calculated to lead to the discovery of admissible evidence. Her status as a private citizen has been determined in this action by the Court of Appeals in *La Liberte v. Reid*, 966 F.3d 79 (2d Cir. July 15, 2020), and is law of the case. Furthermore, a direction for her to answer this RFP would have the effect of burdening her participation as a private citizen in matters of public interest. On the advice of counsel, La Liberte objects that an order of this Court requiring a response to this RFP would constitute “state action” implicating and improperly infringing upon her First Amendment rights.

RFP NO. 40: All DOCUMENTS and COMMUNICATIONS CONCERNING websites YOU maintain or maintained during the Relevant Period.

RESPONSE: La Liberte incorporates by reference the General Objections. Plaintiff maintained only a single website for the business conducted by and through RC Design

Construction Associates, Inc. and it was forced to be shut down in July 2018. Plaintiff has produced to defendant documents evidencing that shut down.

RFP NO. 41: All DOCUMENTS CONCERNING COMMUNICATIONS YOU had with Elsa Aldguer and/or the “Genevieve” identified in YOUR Initial Disclosures.

RESPONSE: La Liberte incorporates by reference the General Objections.

RFP NO. 42: All DOCUMENTS CONCERNING COMMUNICATIONS YOU had with Doug Codron, Savannah La Liberte, and/or any of YOUR other family members CONCERNING the claims in this ACTION and any damages or injury YOU allegedly suffered.

RESPONSE: La Liberte incorporates by reference the General Objections.

Notwithstanding the foregoing, and without waiver of same, or of applicable privileges, plaintiff will produce responsive documents, if any exist.

RFP NO. 43: ALL DOCUMENTS that make up and/or are within the categories of DOCUMENTS listed in item 2 of YOUR Initial Disclosures.

RESPONSE: La Liberte incorporates by reference the General Objections. Plaintiff further objects to this RFP No. 43 by its requests for All Documents that “are within the categories of Documents listed in item 2 of Your Initial Disclosures” on the grounds that the request is obscure and vague and fails the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and is not reasonably calculated to lead to the discovery of admissible evidence.

RFP NO. 44: ALL DOCUMENTS that YOU DESCRIBE or reference in YOUR responses to Defendant’s First Set of Interrogatories.

RESPONSE: La Liberte incorporates by reference the General Objections.

Notwithstanding the foregoing objections, and without waiver thereof, and subject to the resolution

of the pending motion to compel, or the entry of a Protective Order on Consent as to confidential documents, plaintiff will product documents identified in her Responses to Interrogatories.

Dated: February 16, 2021

L. LIN WOOD, P.C.

By: /s/ Lucian L. Wood, Esq.

P.O. Box 52584
Atlanta, GA 30355-0584

(513) 381-2838

OLASOV LLP

By: /s/ David M. Olasov,

485 Madison Avenue, 7th Floor
New York, NY 10022

(212) 588-0540

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X	:	
ROSLYN LA LIBERTE,	:	
	:	
Plaintiff,	:	
	:	Civil Action No. 1:18-cv-05398
v.	:	
	:	ECF Case
JOY REID,	:	
	:	
Defendant.	:	
-----X	:	

DEFENDANT JOY REID'S FIRST SET OF INTERROGATORIES TO PLAINTIFF

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendant Joy Reid ("Defendant"), by and through her undersigned counsel, hereby propounds the following interrogatories ("Interrogatories") on Plaintiff Roslyn La Liberte ("Plaintiff" or "La Liberte") and requests Plaintiff answer each Interrogatory fully and separately, in writing and under oath, within thirty (30) days in accordance with the Federal Rules of Civil Procedure and the Definitions and Instructions set forth below, and supplement such answers as required by Rule 26(e) of the Federal Rules of Civil Procedure.

DEFINITIONS

Defendant incorporates herein the "Uniform Definitions in Discovery Requests," Rule 26.3 of the Local Rules of the United States District Court for the Eastern District of New York.

1. "ACTION" refers to the above-entitled case captioned *La Liberte v. Reid*, Case No. 1:18-cv-05398, proceeding in the United States District Court for the Eastern District of New York.

2. "FAC" refers to the First Amended Complaint filed on November 27, 2018 in this ACTION (Dkt. No. 16).

3. “DESCRIBE” or “IDENTIFY”:

- (a) When used in reference to PERSONS means to give, to the extent known, the PERSON’s full name, present or last known address, and, when referring to a natural PERSON, the present or last known place of employment and title, the nature of his/her relationship(s) to PLAINTIFF, present or last-known home and business phone numbers, and if that PERSON is or was the PLAINTIFF’s employee or otherwise had a contractual relationship with PLAINTIFF, such individual’s dates of employment or contractual relationship with that PLAINTIFF and job title(s) with that PLAINTIFF, though once a PERSON has been identified in accordance with this subsection, only the name of that PERSON need be listed in response to subsequent discovery requesting the identification of that PERSON;
- (b) When used in reference to an entity means to give, to the extent known, the entity’s name, present or last-known address, present or last-known telephone number, and name of the contact PERSON for the entity;
- (c) When used in reference to DOCUMENTS or COMMUNICATIONS means to give, to the extent known, the type of DOCUMENT or COMMUNICATION, the general subject matter, the date, and, as applicable, the author(s), addressee(s), recipient(s), and custodian(s). If any such DOCUMENT is no longer in YOUR possession or subject to YOUR control, state what disposition was made of it, the date of such disposition, and the PERSON having knowledge of its content; and

(d) When used in reference to an act, event, instance, occasion, meeting, conversation, allegation, or contention, means to state all facts CONCERNING the subject matter in detail, INCLUDING the date and place thereof, to IDENTIFY the individual participants, to summarize separately for each individual participant what she or he said or did, and to IDENTIFY each DOCUMENT or COMMUNICATION used or prepared in connection therewith or making any reference thereto.

4. “INCLUDING” should be read to include “including but not limited to” and is used to emphasize the type of INFORMATION requested and should not be construed as limiting the Interrogatory in any way.

5. “PLAINTIFF,” “YOU” and/or “YOUR” refers to Roslyn La Liberte, the PLAINTIFF in the ACTION, her family, and any firm, partnership, incorporated or unincorporated association, any other legal or commercial entity, employee, agent, present or former attorney, or any other PERSON acting on her behalf.

6. “DEFENDANT” refers to Joy Reid, the DEFENDANT in this ACTION, and anyone acting on her behalf.

7. “DOCUMENT” or “DOCUMENTS” have the full meaning ascribed to those terms under Rule 34 of the Federal Rules of Civil Procedure and include, without limitation, any and all drafts, COMMUNICATIONS, e-mails, correspondence, letters, memoranda, records, reports, books, summaries, diaries, graphs, charts, diagrams, tables, photographs, recordings, tapes, microfilms, minutes, calendars, press releases, notes, work papers, checks, check vouchers, and any other written, recorded, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced, and any paper or writing of whatever description,

INCLUDING any computer database or INFORMATION contained in any computer although not yet printed out.

8. “COMMUNICATION” or “COMMUNICATIONS” shall mean and refer to any transmission of information by one or more PERSON to one or more PERSONS by any means INCLUDING, without limitation, every manner or method of the disclosure, transfer, or exchange of information, whether orally, electronically, or by DOCUMENT, and whether face to face or by telephone, mail, facsimile, e-mail, text message, Internet COMMUNICATION, or otherwise.

9. “INFORMATION” means facts, circumstances, specific statements, DOCUMENTS, and/or COMMUNICATIONS.

10. “PERSON” or “PERSONS” shall mean and refer to any individual, firm, partnership, incorporated or unincorporated association, or any other legal or commercial entity, and shall include the owners, officers, directors, agents, trustees, parents, or subsidiaries, affiliates, assignees, predecessors, and successors of each such PERSON(S).

11. “CONCERNING” or “REGARDING” means referring to, reflecting, describing, evidencing, constituting, containing, alluding to, germane to, mentioning, analyzing, setting forth, summarizing, supporting, refuting, or characterizing, directly or indirectly, expressly or implicitly, in whole or in part, the subject matter of the Interrogatory.

12. “RALLY” and/or “PROTEST” means any public gathering of individuals who come together for the purpose of making a statement, impact, argument, or taking any action on a particular cause, idea, message, agenda, law, policy, election, proposition, and/or regulation.

13. “COUNCIL MEETING” means the Simi Valley, California City Council meeting that took place on June 25, 2018.

14. “PHOTOGRAPH” means the photograph taken of PLAINTIFF at the COUNCIL MEETING, as referenced in Paragraph 13 of the FAC.

15. “MEDIA” refers to any means of disseminating INFORMATION to the public and any PERSON who disseminates INFORMATION to the PUBLIC INCLUDING through broadcasting, publishing, and the Internet.

16. “PUBLIC ISSUES” means any topic of mutual concern, interest, or discussion to a PERSON or PERSONS, INCLUDING topics related to social, political, or other subjects.

17. “INJURY” or “INJURIES” means any damage, harm, or impairment, including but not limited to any monetary damage, harm, or impairment that YOU have suffered.

18. “JUNE 29, 2018 INSTAGRAM POST” means the June 29, 2018 Instagram post on Joy Reid’s Instagram account, under the username joyannreid, attached to PLAINTIFF’s FAC as Exhibit 3.

19. “JULY 1, 2018 INSTAGRAM POST” means the July 1, 2018 Instagram post on Joy Reid’s Instagram account, under the username joyannreid, attached to PLAINTIFF’s FAC as Exhibit 5.

20. “JULY 1, 2018 FACEBOOK POST” means the July 1, 2018 Facebook post on Joy Reid’s Facebook account, under the username Joy Reid, attached to PLAINTIFF’s FAC as Exhibit 6.

21. “CHALLENGED SOCIAL MEDIA POSTS” refers to the JUNE 29, 2018 INSTAGRAM POST, the JULY 1, 2018 INSTAGRAM POST, and the JULY 1, 2018 FACEBOOK POST.

22. To bring within the scope of these Interrogatories all INFORMATION that might otherwise be construed to be outside of their scope, the following additional rules of construction

apply: (i) The masculine, feminine, or neuter pronoun shall not exclude other genders; (ii) the words “include” or “including” mean include or including without limitation; (iii) the present tense shall be construed to include the past tense and vice versa; (iv) references to employees, officers, directors, or agents shall include both current and former employees, officers, directors, and agents; and (v) the use of the singular form of any word shall be taken to mean the plural as well as the singular and vice versa.

INSTRUCTIONS

1. Each Interrogatory shall be answered as completely as possible based upon PLAINTIFF’s knowledge from all sources, INCLUDING INFORMATION that is known, available to, or in the possession of PLAINTIFF, or her employees, agents, attorneys, accountants, auditors, experts, investigators, representatives, or other professional personnel acting on PLAINTIFF’s behalf or under PLAINTIFF’s or her attorney’s employment, direction, and/or control.

2. Each Interrogatory operates and shall be responded to independently, and unless otherwise indicated, no Interrogatory limits the scope of any other Interrogatory.

3. These Interrogatories should be construed as broadly as possible with all doubts resolved in favor of providing full and complete responses to these Interrogatories. The words “all,” “any,” “each,” “and,” and/or “or” shall be construed conjunctively or disjunctively as necessary to make these Interrogatories inclusive rather than exclusive.

4. Each Interrogatory shall be deemed continuing, so as to require supplemental answers when PLAINTIFF learns or acquires INFORMATION responsive to these Interrogatories that has not been previously provided, as required by Federal Rule of Civil Procedure 26(e). Such supplemental answers are to be served as soon as reasonably possible after the INFORMATION is obtained. The date such additional INFORMATION came into

PLAINTIFF's possession shall be specified, as well as the identity of the individuals providing such additional INFORMATION to the PERSON preparing the answer.

5. The Interrogatories calling for the identification of DOCUMENTS are directed to all DOCUMENTS in YOUR possession, custody, or control, wherever located, INCLUDING, but not limited to, those in the possession, custody, or control of YOUR agents, employees, and attorneys.

6. If an objection is made to any part of the Interrogatory, the response shall state that there is an objection to the Interrogatory, provide the legal and factual basis for such objection with specificity, and answer the Interrogatory to the extent it is not objectionable. No part of an Interrogatory shall be left unanswered merely because an objection is made to another part of the Interrogatory.

7. If in any response, INFORMATION covered by these Interrogatories, or sub-part thereof, is withheld by reason of a claim of privilege, the PERSON asserting the privilege shall, in the objection to the Interrogatory, or sub-part thereof, set forth in writing all INFORMATION required by Federal Rule of Civil Procedure 26(b)(5) or such INFORMATION as otherwise agreed by the parties. If any portion of any response to these Interrogatories is withheld under the claim of privilege, any non-privileged portion of such response must be provided.

8. If YOU cannot answer any Interrogatory fully and completely after exercising due diligence to secure the full INFORMATION to do so, please so state and answer such Interrogatory to the extent possible. Specify YOUR inability to answer the remainder, stating whatever INFORMATION or knowledge YOU have CONCERNING the unanswered portion and describing all efforts made by YOU to obtain the INFORMATION necessary to answer the Interrogatory.

9. If precise INFORMATION cannot be supplied, state the best estimate or approximation that can reasonably be made in place of the unknown INFORMATION, clearly designated as such, in place of any unknown INFORMATION, and DESCRIBE the basis upon which the estimate or approximation is made.

10. If an answer to an Interrogatory is based on INFORMATION and belief, specify and IDENTIFY the source of the INFORMATION and the grounds for the belief.

11. If YOU conclude that any Interrogatory, Definition, or Instruction is ambiguous, then state in YOUR answer, the matter deemed ambiguous, and the construction YOU employed in answering the Interrogatory.

12. These Definitions, Instructions, and Interrogatories are submitted for the purposes of discovery; they shall not be construed (i) as a waiver or abridgment of any argument or defense, any objection to PLAINTIFF's discovery requests when they are made, or any objections that may be made at trial to the introduction of evidence on subjects covered by these Interrogatories; (ii) as an admission at trial of the relevance or materiality of any of the matters covered by these Interrogatories; or (iii) as any admission of fact.

13. The use of the term "the" shall not be construed as limiting the scope of any Interrogatory.

14. Unless otherwise identified in a specific Interrogatory, the relevant time period is January 1, 2016 through the present day (the "Relevant Period").

15. Defendant serves these Interrogatories without prejudice to her right to serve additional Interrogatories.

INTERROGATORIES

INTERROGATORY NO. 1:

DESCRIBE all COMMUNICATIONS YOU have had with Joseph Luevenos or any member of his family, identifying each PERSON who heard or witnessed each COMMUNICATION.

INTERROGATORY NO. 2:

IDENTIFY all RALLIES and/or PROTESTS and/or council meetings and/or public forums YOU have attended CONCERNING United States immigration issues or other PUBLIC ISSUES during the Relevant Period.

INTERROGATORY NO. 3:

IDENTIFY all DOCUMENTS, INFORMATION, facts and/or evidence supporting YOUR preliminary calculation of at least \$1,043,114.69 in lost business set forth in YOUR Initial Disclosures, INCLUDING the identity of any business entity that suffered this loss; the dollar amount of each item that makes up this claim; the identity of each “formerly recurring customer” who ceased doing business with YOU and the amount of business lost from each such customer; and the methodology used in calculating the amount of lost business and the DOCUMENTS used to determine the amount of lost business.

INTEEROGATORY NO. 4:

Apart from the damages alleged in response to Interrogatory No. 3, IDENTIFY all DOCUMENTS, INFORMATION, facts and/or evidence showing the computation of each type of INJURY YOU allegedly suffered as a result of each of the CHALLENGED SOCIAL MEDIA POSTS during the Relevant Period, including how YOU calculated that damage amount.

INTERROGATORY NO. 5:

REGARDING YOUR allegation in paragraphs 13 and 40 of the FAC that the PHOTOGRAPH was taken “out-of-context” and did not represent YOUR “mannerisms,” DESCRIBE what the context of the PHOTOGRAPH was, INCLUDING what YOUR mannerisms were, the PERSONS who heard and observed YOUR conduct at the time the PHOTOGRAPH was taken, what YOU were doing, what YOU were saying, and what PERSONS YOUR words were directed at.

INTERROGATORY NO. 6:

IDENTIFY all DOCUMENTS, INFORMATION, facts, and/or other evidence supporting YOUR allegation in paragraph 41 of the FAC that Alan Vargas has a “demonstrable political bias and agenda.”

INTERROGATORY NO. 7:

IDENTIFY all DOCUMENTS, INFORMATION, facts, and/or other evidence supporting YOUR allegation in paragraph 45 of the FAC that “objective readers interpreted Reid’s retweet as accusing La Liberté of being one of those who screamed racial obscenities at a minor during the City Council Meeting.”

INTERROGATORY NO. 8:

IDENTIFY all DOCUMENTS, INFORMATION, facts, and/or other evidence supporting YOUR allegation in paragraph 47 of the FAC that the racial statements alleged “do not reflect La Liberté or her views.”

INTERROGATORY NO. 9:

IDENTIFY all DOCUMENTS, INFORMATION, facts, and/or other evidence supporting YOUR allegations in paragraphs 50 and 51 of the FAC that DEFENDANT “made her June 29

Instagram Post without any source at all” and “performed no investigation whatsoever before leveling these accusations against La Liberte.”

INTERROGATORY NO. 10:

IDENTIFY all DOCUMENTS, INFORMATION, facts, and/or other evidence supporting YOUR allegation in paragraph 85 of the FAC that DEFENDANT “had knowledge of falsity . . . of her Publications.”

INTERROGATORY NO. 11:

DESCRIBE how, as a result of the CHALLENGED SOCIAL MEDIA POSTS, the public obtained all of the INFORMATION YOU allege they obtained in paragraph 92 of the FAC.

INTERROGATORY NO. 12:

IDENTIFY all COMMUNICATIONS YOU had with the police as YOU allege in paragraph 93 of the FAC.

INTERROGATORY NO. 13:

IDENTIFY all DOCUMENTS, INFORMATION, facts, and/or other evidence supporting YOUR allegation in paragraph 94 of the FAC that DEFENDANT was trying to “advanc[e] her own career and political agenda” by publishing the CHALLENGED SOCIAL MEDIA POSTS.

INTERROGATORY NO. 14:

DESCRIBE each COMMUNICATION YOU had with any PERSON who attended the COUNCIL MEETING, INCLUDING those COMMUNICATIONS that occurred before, during, and after the COUNCIL MEETING.

INTERROGATORY NO. 15:

DESCRIBE and IDENTIFY each racial slur COMMUNICATED at the COUNCIL MEETING.

INTERROGATORY NO. 16:

IDENTIFY each PERSON who attended the COUNCIL MEETING with YOU or who had planned to meet YOU there.

INTERROGATORY NO. 17:

IDENTIFY each PERSON or MEDIA organization YOU have COMMUNICATED with CONCERNING SB 54, immigration, or any other PUBLIC ISSUES during the Relevant Period, and DESCRIBE each of those COMMUNICATIONS.

INTERROGATORY NO. 18:

IDENTIFY all COMMUNICATIONS YOU have had CONCERNING the station Fox 11 in Los Angeles, California during the Relevant Period.

INTERROGATORY NO. 19:

IDENTIFY each PERSON who PLAINTIFF anticipates calling as a witness at trial.

Dated: December 21, 2020

By: /s/ Marcellus McRae
Theodore J. Boutrous, Jr.
Marcellus McRae (*pro hac vice*)
Marissa B. Moshell (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue, Floor 46
Los Angeles, CA 90071
213-229-7000
tboutrous@gibsondunn.com
mmcrae@gibsondunn.com
mmoshell@gibsondunn.com

By: /s/ John H. Reichman
John H. Reichman
Jason L. Libou
WACHTEL MISSRY LLP
One Dag Hammarskjold Plaza
885 Second Avenue, 47th Floor
New York, NY 10017

212-909-9500
reichman@wmlp.com
jlibou@wmlp.com

Attorneys for Defendant Joy Reid

CERTIFICATE OF SERVICE

I, Jason Libou, hereby certify that on December 21, 2020, I served the foregoing document on counsel for Plaintiff via electronic mail.

Dated: December 21, 2020

/s/ Jason Libou
Jason L. Libou

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----	X	
ROSLYN LA LIBERTE,	:	Civil Action No. 1:18-cv-05398
	:	(DLI-VMS)
Plaintiff,	:	
	:	RESPONSES AND
-against-	:	OBJECTIONS OF PLAINTIFF
	:	ROSLYN LA LIBERTE TO
JOY REID,	:	DEFENDANTS'
	:	INTERROGATORIES
Defendant.	:	
-----	X	

PLAINTIFF ROSLYN LA LIBERTE, by her attorneys, L. LIN WOOD, P.C. and OLASOV, LLP, hereby responds to the Defendant's First Set of Interrogatories dated December 21, 2020 (the "Interrogatories"), which were electronically filed before the initial scheduling conference with the Court held on January 11, 2021, as follows:

GENERAL OBJECTIONS

Plaintiff objects to the definitions and instructions set forth in Defendant's First Set of Interrogatories on the grounds that (i) they impose obligations materially beyond those established by the Federal Rules of Civil Procedure, (ii) as applied by defendant in the interrogatories themselves, they render the meaning of the interrogatories obscure and uncertain, (iii) the definitions and instructions fail the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and make the interrogatories themselves fail the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and render them not reasonably calculated to lead to the discovery of admissible evidence. Because defendant's definitions and instructions

are made applicable to each of her interrogatories, plaintiff's general objections apply to each of defendant's interrogatories, whether or not it is recited in plaintiff's responses.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

DESCRIBE all COMMUNICATIONS YOU have had with Joseph Luevenos or any member of his family, identifying each PERSON who heard or witnessed each COMMUNICATION.

RESPONSE: Plaintiff incorporates by reference the General Objections. Plaintiff further objects to Interrogatory No. 1 on the grounds that it is not clear by her use of the term "witness" whether defendant is asking whether someone undertook to follow the conversation between Mr. Luevenos and La Liberté. Notwithstanding the General Objections and without waiver thereof, La Liberté states that she only spoke with Joseph Luevenos (who identified himself to her as "Joey Luevenos") and his mother at the Simi Valley city council meeting that took place on June 25, 2018. The conversation between La Liberté and Mr. Luevenos lasted approximately 5 minutes. He approached La Liberté, In substance, he asked why La Liberté was against SB 54. She responded, in substance, that she was against criminals being let go into the community. Luevenos asked for her views about young children being separated from their mothers. La Liberté responded that she would never favor the separation of children from their parents and added that her parents, who were Jewish, were interned by the Japanese in concentration camps in Indonesia when they were young, and separated from members of their families for almost 4 years. Luevenos also asked La Liberté in substance, about people being free to come into the United States. La Liberté replied that she thought that it was not possible simply to let everyone into the United States who might want to enter, and that we should try to help them build up their countries. Luevenos replied in substance that not letting everyone in who wanted to come was a bad thing,

and La Liberte responded that bad things happen in this world. La Liberte added that her mother's cousin, who was a journalist in Indonesia, was taken from the concentration camp and hanged as a spy by the Japanese.

The tone of the conversation was very civil. Luevano's mother was present and may have heard some of her son's conversation with La Liberte. There were a lot of other people around them, whose identities are not currently known. The noise level was high, and La Liberte does not know what of her conversation others heard. It is believed that Genevieve [last name unknown], who is identified in Plaintiff's Initial Disclosures, heard or overheard part of this conversation.

After her conversation with Mr. Luevenos, La Liberte had a shorter conversation with his mother. His mother said to La Liberte that she wanted her son to learn about SB-54 and let him attend this meeting with her. She thanked La Liberte for talking with him. La Liberte asked her whether he was her youngest child. The mother replied that she had one younger child, but she had not brought that child with her.

INTERROGATORY NO. 2:

IDENTIFY all RALLIES and/or PROTESTS and/or council meetings and/or public forums YOU have attended CONCERNING United States immigration issues or other PUBLIC ISSUES during the Relevant Period.

RESPONSE: La Liberte incorporates by reference the General Objections. La Liberte further objects that the request made in this Interrogatory fails the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and is not reasonably calculated to lead to the discovery of admissible evidence. Her status as a private citizen has been determined in this action by the Court of Appeals in *La Liberte v. Reid*, 966 F.3d 79 (2d Cir. July 15, 2020), and is law of the case. Furthermore, a direction for her to answer this Interrogatory would have the effect of burdening her participation as a private citizen in matters of public interest. On the advice of

counsel, La Liberte objects that an order of this Court requiring a response to this Interrogatory would constitute “state action” implicating and improperly infringing upon her First Amendment rights.

INTERROGATORY NO. 3:

IDENTIFY all DOCUMENTS, INFORMATION, facts and/or evidence supporting YOUR preliminary calculation of at least \$1,043,114.69 in lost business set forth in YOUR Initial Disclosures, INCLUDING the identity of any business entity that suffered this loss; the dollar amount of each item that makes up this claim; the identity of each “formerly recurring customer” who ceased doing business with YOU and the amount of business lost from each such customer; and the methodology used in calculating the amount of lost business and the DOCUMENTS used to determine the amount of lost business.

RESPONSE: La Liberte incorporates by reference the General Objections. Notwithstanding the foregoing General Objection and without waiver of the same, plaintiff states, as follows. A detailed preliminary calculation is attached as Exhibit A. The identities of the lost customers and their business addresses will be provided either after the parties reach agreement for the terms of, or the Court enters on motion, an order either (i), providing for protection of the privacy interests of such former customers and court supervision of any discovery taken of them to limit the risk to plaintiff that such discovery adversely affects her business relationships with continuing customers, which are in the same community and the same franchise businesses as the former customers, or (ii) directs plaintiff to provide such information without any protection against misuse. Plaintiff’s business is conducted through RC Design Construction Associates, Inc., a pass through, subchapter S entity managed and controlled by plaintiff, whose shares are held 70% by plaintiff and 30% by her husband.

INTEEROGATORY NO. 4:

Apart from the damages alleged in response to Interrogatory No. 3, IDENTIFY all DOCUMENTS, INFORMATION, facts and/or evidence showing the computation of each type of INJURY YOU allegedly suffered as a result of each of the CHALLENGED SOCIAL MEDIA POSTS during the Relevant Period, including how YOU calculated that damage amount.

RESPONSE: Plaintiff incorporates by reference the General Objections. Plaintiff further objects on the grounds this Interrogatory improperly calls upon Plaintiff to make a computation of *per se* damages for defamation, to which the Court of Appeals for the Second Circuit in *La Liberte v. Reid*, 966 F.3d 79 (2d Cir. July 15, 2020), held Plaintiff to be presumed on the basis of the allegations of the amended complaint. Such damages are determined by the finder of fact on trial on the basis of a totality of the facts established at trial, and are thus to be determined by the finder of fact and not “calculated” as such. *See, e.g., Cantu v. Flanigan*, 705 F. Supp.2d 220 (E.D.N.Y. 2010). The Court of Appeals also held that Plaintiff had no obligation to plead or establish special damages as defined by California law in order to recovery compensatory damages.

INTERROGATORY NO. 5:

REGARDING YOUR allegation in paragraphs 13 and 40 of the FAC that the PHOTOGRAPH was taken “out-of-context” and did not represent YOUR “mannerisms,” DESCRIBE what the context of the PHOTOGRAPH was, INCLUDING what YOUR mannerisms were, the PERSONS who heard and observed YOUR conduct at the time the PHOTOGRAPH was taken, what YOU were doing, what YOU were saying, and what PERSONS YOUR words were directed at.

RESPONSE: Plaintiff incorporates by reference the General Objections. Nevertheless, and without waiver thereof, plaintiff states as follows. The space was occupied with a lot of people talking with and over one another, and it was becoming more difficult to hear and to be heard. La Liberte was losing her voice. Some had apparently noticed her having a conversation with Mr. Luevenos. As she recollects, at the time that the photograph was being taken, she was telling others that, if they wanted to hear one another and her, everyone would have to lower their voices. She grabbed her throat because she was getting hoarse, and that was her way of indicating that fact. Her observations were not addressed to Mr. Luevenos, and she was not facing him, as the photograph was being taken.

INTERROGATORY NO. 6:

IDENTIFY all DOCUMENTS, INFORMATION, facts, and/or other evidence supporting YOUR allegation in paragraph 41 of the FAC that Alan Vargas has a “demonstrable political bias and agenda.”

RESPONSE: Alan Vargas’s Twitter account contained his tweet referred to in Paragraph 41 of the first amended complaint, in which he republished with his own, very different commentary, the photograph taken by and originally published by a local California paper, the Ventura County Star, under a caption reading that participants were engaged in a “spirited” discussion. That caption did not state that anyone had exhibited racist behavior towards anyone else. Vargas’ tweet added the racist content to the photograph, although he did not attribute it to La Liberte. At the time preceding and following the tweet referred to in Paragraph 41, the Vargas Twitter account contained a large number of tweets from which the conclusion that he had a “demonstrable political bias and agenda” is reasonably drawn. Some of those tweets are identified and exhibited to the affidavit of Taylor Wilson submitted in opposition to defendant’s motion to “dismiss” and to “strike” the first amended complaint, to which defendant is referred. The full array of the Vargas tweets is not in the possession, custody and control of La Liberte. Plaintiff reserves the right to obtain such other tweets by discovery or otherwise for use in this action.

INTERROGATORY NO. 7:

IDENTIFY all DOCUMENTS, INFORMATION, facts, and/or other evidence supporting YOUR allegation in paragraph 45 of the FAC that “objective readers interpreted Reid’s retweet as accusing La Liberte of being one of those who screamed racial obscenities at a minor during the City Council Meeting.”

RESPONSE: Plaintiff incorporates by reference the General Objections. Plaintiff further objects on the grounds this Interrogatory improperly calls upon Plaintiff to provide discovery with reference to a conclusion that the Court of Appeals for the Second Circuit reached in *La Liberte v. Reid*, 966 F.3d 79 (2d Cir. July 15, 2020), and is therefore law of the case.

INTERROGATORY NO. 8:

IDENTIFY all DOCUMENTS, INFORMATION, facts, and/or other evidence supporting YOUR allegation in paragraph 47 of the FAC that the racial statements alleged “do not reflect La Liberte or her views.”

RESPONSE: La Liberte incorporates by reference the General Objections, and further objects that there is no common understanding as when, whether or how a document or a fact reflects a person or her views, and that this Interrogatory is therefore objectionable. Nevertheless, and without waiver of the foregoing, La Liberte refers to her conversation with Joey Luevenos, recounted in her response to Interrogatory No. 1 as evidencing her views and certain of her life experiences that inform such views.

INTERROGATORY NO. 9:

IDENTIFY all DOCUMENTS, INFORMATION, facts, and/or other evidence supporting YOUR allegations in paragraphs 50 and 51 of the FAC that DEFENDANT “made her June 29 11 Instagram Post without any source at all” and “performed no investigation whatsoever before leveling these accusations against La Liberte.”

RESPONSE: Plaintiff incorporates by reference the General Objections. Nevertheless, and without waiver of the foregoing, La Liberte states that in none of her publications concerning La Liberte, including her statement that Reid calls a retraction, her answer to the first amended complaint and other pleadings filed on her behalf in this action, does she identify any source or investigation by her, when it would be ordinary, reasonable and in her own interests to do so were that the case.

INTERROGATORY NO. 10:

IDENTIFY all DOCUMENTS, INFORMATION, facts, and/or other evidence supporting YOUR allegation in paragraph 85 of the FAC that DEFENDANT “had knowledge of falsity . . . of her Publications.”

RESPONSE: Plaintiff incorporates by reference the General Objections, and further objects to this Interrogatory on the grounds that, by the use of ellipses, defendant misstates and

mischaracterizes the allegations contained in Paragraph 85 which states: Reid further had knowledge of falsity and recklessly disregarded the falsity of her Publications because she was expressly advised via social media and e-mail that her accusations were false but nevertheless continued to issue additional attacks on La Liberte.

INTERROGATORY NO. 11:

DESCRIBE how, as a result of the CHALLENGED SOCIAL MEDIA POSTS, the public obtained all of the INFORMATION YOU allege they obtained in paragraph 92 of the FAC.

RESPONSE: Plaintiff incorporates by reference the General Objections. Nevertheless, and without waiver of the foregoing, plaintiff states that defendant republished a photograph that contained a likeness of La Liberte from other publications that contained both the photograph and other identifiers of La Liberte. Comments to defendant's posts provided other identifiers of La Liberte. La Liberte maintained a web site for the business through which the information referenced in Paragraph 92 was available, and was accessed.

INTERROGATORY NO. 12:

IDENTIFY all COMMUNICATIONS YOU had with the police as YOU allege in paragraph 93 of the FAC.

RESPONSE: Plaintiff incorporates by reference the General Objections. Nevertheless, and without waiver of the foregoing, La Liberte states that she had, to the best of her current recollection, one telephone call with the West Valley police on July 1, 2018 in which she reported that she had received a lot of threatening communications, that persons not known to La Liberte were parking vehicles near and driving past her residence, that La Liberte was going out of town, and was concerned about the safety of her daughter. The police responded to La Liberte that her daughter should immediately telephone them if she saw and heard anything that gave her concern.

INTERROGATORY NO. 13:

IDENTIFY all DOCUMENTS, INFORMATION, facts, and/or other evidence supporting YOUR allegation in paragraph 94 of the FAC that DEFENDANT was trying to “advanc[e] her own career and political agenda” by publishing the CHALLENGED SOCIAL MEDIA POSTS.

RESPONSE: Plaintiff incorporates by reference the General Objections, and further objects to this Interrogatory on the grounds that it misstates and mischaracterizes the allegation contained in Paragraph 94, which alleges that: “Reid acted with the improper and malicious purpose of advancing her own career and political agenda in total disregard of La Liberte’s rights.”

INTERROGATORY NO. 14:

DESCRIBE each COMMUNICATION YOU had with any PERSON who attended the COUNCIL MEETING, INCLUDING those COMMUNICATIONS that occurred before, during, and after the COUNCIL MEETING.

RESPONSE: Plaintiff incorporates by reference the General Objections. La Liberte further objects that the information requested in this Interrogatory fails the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and is not reasonably calculated to lead to the discovery of admissible evidence. Her status as a private citizen has been determined in this action by the Court of Appeals in *La Liberte v. Reid*, 966 F.3d 79 (2d Cir. July 15, 2020), and is law of the case. Nevertheless, and without waiver of the foregoing objection, La Liberte states that she sent a text message to Elsa Aldguer on June 25, 2018 that she was going to the Simi Valley city council hearing that evening and inquired whether Elsa Aldguer also was attending and, if so, whether she needed a ride and when she expected to arrive. Ms. Aldguer is identified in plaintiff’s Initial Disclosures.

INTERROGATORY NO. 15:

DESCRIBE and IDENTIFY each racial slur COMMUNICATED at the COUNCIL MEETING.

RESPONSE: Plaintiff incorporates by reference the General Objections. Nevertheless, and without waiver of the foregoing, La Liberte states that she did not make or, to the best of her

present recollection, hear any racial slurs or language that she would be construe as racial slurs at the June 25, 2018 Simi Valley council meeting. She believes that there were reports of such language in words or substance in one or more publications that referenced the meeting. There is a publicly available recording of public comments at the meeting made by many people.

INTERROGATORY NO. 16:

IDENTIFY each PERSON who attended the COUNCIL MEETING with YOU or who had planned to meet YOU there.

RESPONSE: Plaintiff incorporates by reference the General Objections. Notwithstanding such objections and without waiver thereof, LaLiberte states that she did not attend the June 25, 2018 city council hearing with anyone other than Elsa Aldguer, whom she met there, and did not attend as anyone else's guest and did not invite anyone to join her at the public hearing. The public hearing was attended by many people whose identities are not known to La Liberte.

INTERROGATORY NO. 17:

IDENTIFY each PERSON or MEDIA organization YOU have COMMUNICATED with CONCERNING SB 54, immigration, or any other PUBLIC ISSUES during the Relevant Period, and DESCRIBE each of those COMMUNICATIONS.

RESPONSE: La Liberte incorporates by reference the General Objections. La Liberte further objects that the information requested in this Interrogatory fails the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and is not reasonably calculated to lead to the discovery of admissible evidence. Her status as a private citizen has been determined in this action by the Court of Appeals in *La Liberte v. Reid*, 966 F.3d 79 (2d Cir. July 15, 2020), and is law of the case. Furthermore, a direction for her to answer this Interrogatory would have the effect of burdening her participation as a private citizen in matters of public interest. On the advice of counsel, LaLiberte objects that an order of this Court requiring a response to this Interrogatory would constitute "state action" implicating and improperly infringing upon her First Amendment rights.

INTERROGATORY NO. 18:

IDENTIFY all COMMUNICATIONS YOU have had CONCERNING the station Fox 11 in Los Angeles, California during the Relevant Period.

RESPONSE: Plaintiff incorporates by reference the General Objections. La Liberte further objects that the information requested in this Interrogatory fails the tests of relevance and proportionality under Fed. R. Civ. P. Rule 26(b)(1) and is not reasonably calculated to lead to the discovery of admissible evidence.


INTERROGATORY NO. 19:

IDENTIFY each PERSON who PLAINTIFF anticipates calling as a witness at trial.

RESPONSE: Plaintiff and her counsel have not yet made a determination as to the individuals to be called as witnesses at trial. Accordingly, and subject to change, by reason of, among other developments, the identification of additional witnesses in the course of discovery or the limitation of issues to be tried, in furtherance of the mandate of the Court of Appeals for the Second Circuit in this case or by further order of this Court, the list of witnesses identified in Plaintiff's Initial Disclosures continues in effect. Plaintiff will supplement this response at an appropriate time, in accordance with scheduling orders in effect from time to time.

Dated: February 8, 2021

AS TO ANSWERS:



Roslyn La Liberte, Plaintiff

AS TO OBJECTIONS:

L. LIN WOOD, P.C.

By: /s/ Lucian L. Wood, Esq.

P.O. Box 52584
Atlanta, GA 30355-0584

(513) 381-2838

OLASOV LLP

By: /s/ David M. Olov.,

485 Madison Avenue, 7th Floor
New York, NY 10022

(212) 588-0540

Attorneys for Plaintiff

I declare under penalty of perjury that the foregoing responses to Defendant's Interrogatories is true and correct.

Executed on: February 11, 2021

A handwritten signature in black ink, appearing to read 'R. La Liberte', with a long horizontal flourish extending to the right.

Roslyn La Liberte



