

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 09-21147-Civ-Jordan/McAliley

THE WACKENHUT CORPORATION,
a Florida Corporation,

Plaintiff,

vs.

MIAMI-DADE COUNTY, a political
subdivision of the State of Florida,
CATHY JACKSON, Director of
Miami-Dade County Audit
Management Services and
GEORGE M. BURGESS, Miami-Dade
County Manager,

Defendants.

_____ /

**DEFENDANT MIAMI-DADE COUNTY'S FIRST SET OF
INTERROGATORIES TO PLAINTIFF**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 26.1.G of the Local Rules for the Southern District of Florida, Defendant Miami-Dade County serves the following First Set of Interrogatories on Plaintiff The Wackenhut Corporation and requests that they be answered separately, fully, and under oath within thirty (30) days of service.

Respectfully submitted,

R. A. Cuevas, Jr.
MIAMI-DADE COUNTY ATTORNEY

By: _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing and all attachments was served via facsimile and first class U.S. Mail this 18th day of November, 2009 on:

Richard Critchlow, Esq.
Jeffrey T. Foreman, Esq.
Ismael Diaz, Esq.
KENNY NACHWALTER, P.A.,

1100 Miami Center
201 South Biscayne Boulevard, Suite 1100,
Miami, FL 33131-4327
Telephone: (305) 373-1000
Facsimile: (305) 372-1861

Assistant County Attorney

MIAMI-DADE COUNTY'S FIRST SET OF INTERROGATORIES

DEFINITIONS

1. The words "Plaintiff," "you," and/or "your" means Plaintiff, The Wackenhut Corporation, its agents, representatives, employees, subsidiaries, subcontractors or other entities acting on acting, or purporting to act, on the Wackenhut Corporation's behalf.

2. The singular shall include the plural and vice versa; the terms "and" and "or" shall be both conjunctive and disjunctive; the term "including" shall mean "including without limitation."

3. "Date" shall mean the exact date, month and year, if ascertainable or, if not, the best approximation of the date (based upon relationship with other events).

4. The word "document" shall mean any writing, recording or photograph in your actual or constructive possession, custody, care or control, which pertains directly or indirectly, in whole or in part, either to any of the subjects listed below or to any other matter relevant to the issues in this action, or which are themselves listed below as specific documents, including, but not limited to: correspondence, memoranda, notes, messages, diaries, minutes, books, reports, charts, ledgers, invoices, computer printouts, microfilms, video tapes, or tape recordings.

5. "Agent" shall mean any agent, employee, officer, director, attorney, independent contractor, or any other person acting at the direction of or on behalf of another.

6. "Entity" shall mean any natural person, individual, general or limited partnership, corporation, association, organization, joint venture, firm or other business enterprise, governmental body, group of natural persons or other entity.

7. "Person" shall mean any individual, corporation, proprietorship, partnership, trust, association, or any other entity.

8. The words “pertain to” or “pertaining to” mean relates to, refers to, contains, concerns, describes, embodies, mentions, constitutes, constituting, supports, corroborates, demonstrates, proves, evidences, shows, refutes, disputes, rebuts, controverts, or contradicts.

9. The term “third party” or “third parties” refers to individuals or entities that are not a party to this action.

10. The term “Complaint, “action” and or “lawsuit” shall mean the above captioned case, pending in the United States District Court for the Southern District of Florida.

11. The term “incident” refers to the events described in, among others, the General Allegations section of the Second Amended Complaint in this action.

12. The word “identify,” when used in reference to a document, means and includes the name and address of the custodian of the document, the location of the document, and a general description of the document, including (1) the type of document (i.e., correspondence, memorandum, facsimile, etc.); (2) the general subject matter of the document; (3) the date of the document; (4) the author of the document; (5) the addressee of the document; and (6) the relationship of the author and addressee to each other.

13. The word “identify,” when used in reference to a natural person, means and includes the full name and address (or, if the current address is not known, the last known address), telephone number (or, if the current telephone number is not known, the last known telephone number) of the person.

14. “County” and/or “Defendants” shall collectively refer to Defendants, Miami-Dade County and its departments, George Burgess and Cathy Jackson.

INSTRUCTIONS

1. If you object to fully identifying a document or oral communication because of a privilege, you must nevertheless provide the following information pursuant to S.D. Fla. L.R. 26.1.G.6.(b), unless divulging the information would disclose the privileged information:

- a. the nature of the privilege claimed (including work product);
- b. if the privilege is being asserted in connection with a claim or defense governed by state law, the state privilege rule being invoked;
- c. the date of the document or oral communication;
- d. if a document: its type (correspondence, memorandum, facsimile etc.), custodian, location, and such other information sufficient to identify the document for a subpoena duces tecum or a document request, including where appropriate the author, the addressee, and, if not apparent, the relationship between the author and addressee;
- e. if an oral communication: the place where it was made, the names of the persons present while it was made, and, if not apparent, the relationship of the persons present to the declarant; and
- f. the general subject matter of the document or oral communication.

2. In the following Interrogatories where identification of a document is required, such identification should be sufficient for the characterization of such a document in a Request for Production of Documents and should include, without limitation, the following information, namely:

- a. the name and address of the author;
- b. the date;

- c. the general nature of the document, (i.e., whether it is a letter, a memorandum, a pamphlet, a report, etc.);
- d. the general subject matter of the document;
- e. the name and address of all recipients of copies of the document;
- f. the name and address of the person now having possession of the original and the location of the original;
- g. the name and address of each person now having possession of a copy and the location of each such copy;
- h. for each document which Plaintiff contends is privileged or otherwise excludable from discovery, the basis for such claim of privilege or other grounds for exclusion;
- i. whether Plaintiff is willing to produce such document voluntarily to Plaintiff for inspection and copying.

3. Wherever the identification of documents is called for in these Interrogatories, Plaintiff may, in lieu of such identification, produce such document for inspection and copying by Defendants at the time Plaintiff serves its answer to these Interrogatories, along with an identification of the corresponding Interrogatory number.

4. Whenever the Interrogatories call for an answer rather than the identification of documents, an answer is required and the production of documents in lieu of an answer will not satisfy the requirement that an answer be provided.

5. Each Interrogatory shall be answered separately and as completely as possible. The fact that investigation is continuing or that discovery is not complete is not an excuse for failure to answer each Interrogatory as fully as possible. If you are unable to answer an Interrogatory after you have attempted to obtain the information, answer to the extent possible.

6. You are under a continuous obligation to supplement your answers to these interrogatories under the circumstances specified in Rule 26(e) of the Federal Rules of Civil Procedure.

INTERROGATORIES

1. Please provide the name, address, telephone number, place of employment and job title of any person who has, claims to have, or whom you believe may have, knowledge or information pertaining to any fact alleged in the pleadings (as defined in Fed.R.Civ.P. 7(a)) filed in this action, or any fact underlying the subject matter of this action.

2. Please state the specific nature and substance of the knowledge that you believe the person(s) identified in your response to interrogatory no. 1 may have.

3. Please identify each document pertaining to any fact alleged in any pleading (as defined in Fed.R.Civ.P. 7(a)) filed in this action.

4. Please identify every contract to provide security guard service you have entered into from January 1, 2004 to April 9, 2009 and for each contract state the party with whom you have contracted, the effective date of the contract, the term of the contract, the total value of the contract, the total number of man-hours per year for the contract, the price per man-hour charged in the contract for each year of the contract, the expected profit from each contract and the manner each contract was procured.

5. Please identify every contract to provide security guard service you have entered into from April 10, 2009 to the present and for each contract state the party with whom you have contracted, the effective date of the contract, the term of the contract, the total value of the contract, the total number of man-hours per year for the contract, the price per man-hour charged in the contract for each year of the contract, the expected profit from each contract and the manner each contract was procured.

6. Please identify each contract you contend you have lost as a result of the actions of Miami-Dade County or any of the Defendants as alleged in any pleading (as defined in Fed.R.Civ.P. 7(a)). For each contract, please identify the manner in which such contract was procured; the entity who was awarded the contract; the value of the contract; your expected profit for the contract; the term of the contract; the reason, with specificity, you believe Miami-Dade County or any of the Defendants is responsible for your inability to obtain the contract, and any and all evidence you possess that the contract was not awarded to you as a result of the events described in the Complaint.

7. Please identify every employee of Plaintiff who worked on any of the contracts identified in the Complaint. For each employee, please provide the last known address and phone number of the employee, identify whether the employee is still employed by Plaintiff, and, if not, the reason for separation.

8. Please identify each instance since April 9, 2009 where you contend you have been required to disclose the Audit as described in the Complaint. For each instance, please identify the entity requiring disclosure, the basis of your belief that disclosure was required, the nature of the disclosure provided, and any communications in any form whatsoever which disclosed the Audit.

9. Please identify each and every instance Plaintiff, its employees, subsidiaries, affiliated entities or subcontractors have billed Miami-Dade County for services that were not rendered on any invoice over the past five (5) years. If so, please identify each instance of overbilling; the amount of the overbilling, and whether you have provided a refund to the County for each such occurrence.

10. Please identify any audits conducted by you, or at your direction, of your performance on Miami-Dade County contracts over the past ten (10) years. For each audit conducted, please describe the entity performing the audit, the result of the audit, the contract and period of time the audit covered, the methodology of the audit, and the finding of the audit.

11. Please identify all investigations, civil lawsuits, audits, reports, or allegations in any form that contend that Plaintiff or any of its employees, subsidiaries, or subcontractors failed to perform in accordance with a contract over the past five (5) years. For each instance, please identify the source of the allegation, the nature of the allegation, and the result of such allegation, if any.

12. Please identify every instance Plaintiff, its subsidiaries, or subcontracts have been required to pay liquidated damages on any contract over the past five (5) years.

VERIFICATION

By: _____
As duly authorized representative of
The Wackenhut Corporation, a Florida Corporation

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

Before me, the undersigned authority, personally appeared _____, as a duly authorized representative of The Wackenhut Corporation, who swears and deposes that he/she has read the foregoing Answers to Interrogatories and that same are true and correct to the best of his/her knowledge and belief.

Sworn to and subscribed before me at Miami, Miami-Dade County, Florida this _____ day of _____, 2009 by _____.

_____ Who is personally known to me
 _____ Who produced identification: _____
 _____ Type of identification

Signature of Notary Public
State of Florida at Large

Print, type or stamp name of notary public

My Commission Expires: