

PROTECTIVE ORDER REBUTTAL INTERROGATORIES

[There are no such things as “trade secrets” in Detroit;
See Chris Theodore Dep, pages 53 - 57 in Whitt v DCC]

If revised, make sure paragraph references remain correct

Interrogatories and Requests to Produce

1. Admit or deny that the following former Chrysler executives had access to information and documents that were/are considered by Chrysler to be of a confidential, proprietary or trade-secret nature:

Kathleen M. Oswald

Christopher P. Theodore

John C. Miller

Susan M. Cischke

Shamel T. Rushwin

Stephen J. Harris

Robert A. Lutz

James M. Hossack

Gerald Greenwald

Russell R. Reeder

2. Admit or deny that each of the former Chrysler executives listed in #1 have left the employment of Chrysler and had accepted or are currently employed by direct competitors of Chrysler (e.g. Ford Motor Company, General Motors Corporation, Mazda Motors Corporation, etc.).

3. Admit or deny that, prior to or during #2, officials of the Chrysler Legal staffs, Security staffs, and/or Personnel staffs confiscated from these former Chrysler executives or their office files, any and all documents that were considered by Chrysler to be of a confidential, proprietary or trade-secret nature.

4. Admit or deny that, prior to or during #2, officials of the Chrysler Legal staffs, Security staffs, and/or Personnel staffs, and/or outside private investigators or any other investigatory agents/agency, secured detailed factual information and evidence that confirmed with complete certainty that these former Chrysler executives did not “misappropriate” any documents or information that were considered by Chrysler to be of a confidential, proprietary or trade-secret nature.
5. To the extent that your response to #4 is an admission, please describe the exact nature or format of the secured detailed factual information and evidence that confirmed with complete certainty that the former Chrysler executives listed in #2 did not “misappropriate” any documents or information that were considered by Chrysler to be of a confidential, proprietary or trade-secret nature.
6. Please identify and provide complete contact information of all Chrysler Legal staffs, Security staffs, and/or Personnel staffs, and/or outside private investigators or any other investigatory agents/agency that are responsive and relevant to #4.
7. Please provide without restriction all Chrysler court filings, documents, internal memos, etc. that led to the issuance of any court orders, restraining orders, preliminary injunctions, permanent injunctions, etc., that either restrict or eliminate the transfer of any Chrysler confidential, proprietary or trade-secret type information and documents, that were formerly or currently in the possession of or use by the former Chrysler executives listed in #1, to their new employers who were/are direct competitors of Chrysler (e.g. Ford Motor Company, General Motors Corporation, Mazda Motors Corporation, etc.).
8. Please provide without restriction copies of all court orders, restraining orders, preliminary injunctions, permanent injunctions, etc., that are responsive to #7.
9. Admit or deny that a Chrysler document or documents currently or previously referred to as the ‘Personal History Record’ or PHR was maintained for the former Chrysler executives listed in #1 during their employment at Chrysler, and is currently on-file at Chrysler.
10. Admit or deny that the PHR’s, as described in #9, of the former Chrysler executives listed in #2 are available for production in this litigation.
11. Admit or deny that upon the request/demand by Chrysler defense lawyers, the PHR’s of other former Chrysler executives have been produced and entered into evidence as exhibits by Chrysler defense lawyers, without restriction or redaction of any kind, in prior or ongoing litigations against Chrysler.
12. Admit or deny that as part of its compliance with federal and state tax laws, Chrysler routinely provided the former Chrysler executives listed in #1, or their agent(s), with W-2

forms which reflected the income these former Chrysler executives received from Chrysler during their prior employment at Chrysler.

13. Admit or deny that Chrysler routinely provides the former Chrysler executives listed in #1, or their agent(s), via the United States Post Office or other similar delivery services, with monthly statements regarding retirement, health care and/or savings plan benefits, that these former Chrysler executives accrued from Chrysler as part of their prior employment at Chrysler.

14. Admit or deny that the following former Ford Motor Company executives had access to information and documents that were/are considered by Ford Motor Company to be of a confidential, proprietary or trade-secret nature:

James C. Schroer

Ronald R. Boltz

Paul V. Sheridan

Robert A. Lutz

James M. Hossack

George E. Murphy

Michael F. Halacka

Harold K. Sperlich

Russell R. Reeder

Thomas G. Denomme

Denis R. Root

Lee A. Iacocca

Robert H. Goldenthal

Edwin H. Brust

Gerald Greenwald

15. Admit or deny that each of the Ford Motor Company executives listed in #14 have or had left the employment of Ford Motor Company and had previously accepted or are still currently employed by a direct competitor of Ford Motor Company, Chrysler.
16. Admit or deny that, prior to or during #15, officials of the Ford Motor Company Legal staffs, Security staffs, and/or Personnel staffs confiscated from these former Ford Motor Company executives or their office files, any and all documents that were considered by Ford Motor Company to be of a confidential, proprietary or trade-secret nature.
17. Admit or deny that, prior to or during #15, officials of the Ford Motor Company Legal staffs, Security staffs, and/or Personnel staffs, and/or outside private investigators or any other investigatory agents/agency, secured detailed factual information and evidence that confirmed with complete certainty that the former Ford Motor Company executives listed in #14 did not “misappropriate” any documents or information that were considered by Ford Motor Company to be of a confidential, proprietary or trade-secret nature.
18. To the extent that your response to #17 is an admission, please describe the exact nature or format of the secured detailed factual information and evidence that confirmed with complete certainty that the former Ford Motor Company executives listed in #14 did not “misappropriate” any documents or information that were considered by Ford Motor Company to be of a confidential, proprietary or trade-secret nature in behalf of their then-new or current employer Chrysler.
19. Please identify and provide complete contact information of all Ford Motor Company Legal staffs, Security staffs, and/or Personnel staffs, and/or outside private investigators or any other investigatory agents/agency that are responsive and relevant to #17.
20. Please provide without restriction all Ford Motor Company court filings, documents, etc. that led to the issuance of any court orders, restraining orders, preliminary injunctions, permanent injunctions, etc., that either restricted or eliminated the transfer of any Ford Motor Company confidential, proprietary or trade-secret type information and documents, that were formerly or currently in the possession of or use by the former Ford Motor Company executives listed in #14, to their then-new or current employer Chrysler.
21. Please provide without restriction copies of all court orders, restraining orders, preliminary injunctions, permanent injunctions, etc., that are responsive to #20.
22. Admit or deny that a Chrysler document or documents currently or previously referred to as the ‘Personal History Record’ or PHR was maintained for the former Ford Motor Company executives listed in #14 during their employment at Chrysler, and is currently on-file at Chrysler.

23. Admit or deny that the PHR's as described in #22, of the former Ford Motor Company executives listed in #14 who had previously accepted or are still currently employed by a direct competitor of Ford Motor Company called Chrysler, are available for production from Chrysler in this litigation.

24. Admit or deny that the following former Chrysler executives had access to information and documents that were/are considered by Chrysler to be of a confidential, proprietary or trade-secret nature:

Richard E. Dauch

Carlos S. Lobo

Paul B. Wilber

Robert A. Lutz

Thomas T. Stallkamp

Arthur C. Liebler

Dennis K. Pawley

25. Admit or deny that some or all of the former Chrysler executives listed in #24 have left the employment of Chrysler and had accepted or are currently employed by outside suppliers to Chrysler (e.g. ASC, Incorporated, American Axle & Manufacturing, Exide Corporation, etc.)

26. Admit or deny that, prior to or during #25, officials of the Chrysler Legal staffs, Security staffs, and/or Personnel staffs confiscated from the person or office files of the former Chrysler executives listed in #24, any and all documents that were considered by Chrysler to be of a confidential, proprietary or trade-secret nature.

27. Admit or deny that, prior to or during #25, officials of the Chrysler Legal staffs, Security staffs, and/or Personnel staffs, and/or outside private investigators or any other investigatory agents/agency, secured detailed factual information and evidence that confirmed with complete certainty that the former Chrysler executives listed in #24, did not "misappropriate" any documents or information that were considered by Chrysler to be of a confidential, proprietary or trade-secret nature.

28. Please identify and provide complete contact information of all Chrysler Legal staffs, Security staffs, and/or Personnel staffs, and/or outside private investigators or any other investigatory agents/agency that are responsive and relevant to #27.

29. Please provide without restriction all court filings, documents, internal memos, etc. that led to the issuance of any court orders, restraining orders, preliminary injunctions, permanent injunctions, etc., that either restrict or eliminate the transfer of any Chrysler confidential, proprietary or trade-secret type information and documents, that were formerly or currently in the possession of or use by the former Chrysler executives listed in #24, to their new employers who are outside suppliers to Chrysler.

30. Admit or deny that a Chrysler document or documents currently or previously referred to as the 'Personal History Record' or PHR was maintained for the former Chrysler executives listed in #24 during their employment at Chrysler, and is currently on-file at Chrysler

31. Admit that the PHR's of the former Chrysler executives listed in #24 are available for production in this litigation.

32. Admit that, as part of its compliance with federal and state tax laws, Chrysler provided or will provide the former Chrysler executives listed in #24, or their agent(s), with W-2 forms which reflected the income they received from Chrysler during their prior employment at Chrysler.

33. Admit or deny that Chrysler routinely provides and will continue to provide the former Chrysler executives listed in #24, or their agent(s), via the United States Post Office or other similar delivery services, with monthly statements regarding retirement, health care and/or savings plan benefits, that the former Chrysler executives listed in #24 had accrued from Chrysler as part of their prior employment at Chrysler.

34. Admit or deny that the following former General Motors Corporation executives had access to information and documents that were/are considered by General Motors Corporation to be of a confidential, proprietary or trade-secret nature:

Robert J. Eaton

Thomas LaSorda

35. Admit or deny that each of the General Motors Corporation executives listed in #34 have left the employment of General Motors Corporation and had previously accepted or are still currently employed by a direct competitor of General Motors Corporation, Chrysler.

36. Admit or deny that, prior to or during #35, officials of the General Motors Corporation Legal staffs, Security staffs, and/or Personnel staffs confiscated from these former General Motors Corporation executives or their office files, any and all documents that were considered by General Motors Corporation to be of a confidential, proprietary or trade-secret nature.

37. Admit or deny that, prior to or during #35, officials of the General Motors Corporation Legal staffs, Security staffs, and/or Personnel staffs, and/or outside private investigators or any other investigatory agents/agency, secured detailed factual information and evidence that confirmed with complete certainty that the former General Motors Corporation executives listed in #34 did not “misappropriate” any documents or information that were considered by General Motors Corporation to be of a confidential, proprietary or trade-secret nature.

38. To the extent that your response to #37 is an admission, please describe the exact nature or format of the secured detailed factual information and evidence that confirmed with complete certainty that the former General Motors Corporation executives listed in #34 did not “misappropriate” any documents or information that were considered by General Motors Corporation to be of a confidential, proprietary or trade-secret nature in behalf of their then-new or current employer Chrysler.

39. Please identify and provide complete contact information of all General Motors Corporation Legal staffs, Security staffs, and/or Personnel staffs, and/or outside private investigators or any other investigatory agents/agency that are responsive and relevant to #37.

40. Please provide without restriction all General Motors Corporation court filings, documents, etc. that led to the issuance of any court orders, restraining orders, preliminary injunctions, permanent injunctions, etc., that either restricted or eliminated the transfer of any General Motors Corporation confidential, proprietary or trade-secret type information and documents, that were formerly or currently in the possession of or use by the former General Motors Corporation executives listed in #34, to their then-new or current employer Chrysler.

41. Please provide without restriction copies of all court orders, restraining orders, preliminary injunctions, permanent injunctions, etc., that are responsive to #40.

42. Admit or deny that a Chrysler document or documents currently or previously referred to as the ‘Personal History Record’ or PHR was maintained for the former General Motors Corporation executives listed in #34 during their employment at Chrysler, and is currently on-file at Chrysler.

43. Admit or deny that the PHR’s as described in #42, of the former General Motors Corporation executives listed in #14 who had previously accepted or are still currently employed by a direct competitor of General Motors Corporation called Chrysler, are available for production from Chrysler in this litigation.

44. Admit or deny that the following former Audi/Volkswagen executive(s) had access to information and documents that were/are considered by Audi/Volkswagen to be of a confidential, proprietary or trade-secret nature:

Freeman Thomas

45. Admit or deny that each of the Audi/Volkswagen executive(s) listed in #44 have left the employment of Audi/Volkswagen and had previously accepted or are still currently employed by a direct competitor of Audi/Volkswagen, Chrysler.

46. Admit or deny that, prior to or during #45, officials of the Audi/Volkswagen Legal staffs, Security staffs, and/or Personnel staffs confiscated from these former Audi/Volkswagen executives or their office files, any and all documents that were considered by Audi/Volkswagen to be of a confidential, proprietary or trade-secret nature.

47. Admit or deny that, prior to or during #45, officials of the Audi/Volkswagen Legal staffs, Security staffs, and/or Personnel staffs, and/or outside private investigators or any other investigatory agents/agency, secured detailed factual information and evidence that confirmed with complete certainty that the former Audi/Volkswagen executives listed in #44 did not “misappropriate” any documents or information that were considered by Audi/Volkswagen to be of a confidential, proprietary or trade-secret nature.

48. To the extent that your response to #47 is an admission, please describe the exact nature or format of the secured detailed factual information and evidence that confirmed with complete certainty that the former Audi/Volkswagen executives listed in #44 did not “misappropriate” any documents or information that were considered by Audi/Volkswagen to be of a confidential, proprietary or trade-secret nature in behalf of their then-new or current employer Chrysler.

49. Please identify and provide complete contact information of all Audi/Volkswagen Legal staffs, Security staffs, and/or Personnel staffs, and/or outside private investigators or any other investigatory agents/agency that are responsive and relevant to #47.

50. Please provide without restriction all Audi/Volkswagen court filings, documents, etc. that led to the issuance of any court orders, restraining orders, preliminary injunctions, permanent injunctions, etc., that either restricted or eliminated the transfer of any Audi/Volkswagen confidential, proprietary or trade-secret type information and documents, that were formerly or currently in the possession of or use by the former Audi/Volkswagen executives listed in #44, to their then-new or current employer Chrysler.

51. Please provide without restriction copies of all court orders, restraining orders, preliminary injunctions, permanent injunctions, etc., that are responsive to #50.

52. Admit or deny that a Chrysler document or documents currently or previously referred to as the ‘Personal History Record’ or PHR was maintained for the former Audi/Volkswagen executives listed in #44 during their employment at Chrysler, and is currently on-file at Chrysler.

53. Admit or deny that the PHR's as described in #52, of the former Audi/Volkswagen executives listed in #44 who had previously accepted or are still currently employed by a direct competitor of Audi/Volkswagen called Chrysler, are available for production from Chrysler in this litigation.
54. Admit or deny that former National Highway Traffic Safety Administration (NHTSA) official Susan Bailey had access to information and documents that were/are considered by NHTSA to be of a confidential, proprietary or trade-secret nature.
55. Admit or deny that former NHTSA official Susan Bailey has left the employment of NHTSA and has accepted or is now currently employed by a direct jurisdictional subject of NHTSA, Ford Motor Company.
56. Admit or deny that, prior to or during #55, officials of the NHTSA Legal staffs, Security staffs, and/or Personnel staffs confiscated from the person or office files of former NHTSA official Susan Bailey, any and all documents that were considered by NHTSA to be of a confidential, proprietary or trade-secret nature.
57. Please provide without restriction all court filings, documents, internal memos, etc. that led to the issuance of any court orders, restraining orders, preliminary injunctions, permanent injunctions, etc., that either restrict or eliminate the transfer of any confidential, proprietary or trade-secret type information and documents, that were formerly or currently in the possession of or use by former NHTSA official Susan Bailey, to her new employer Ford Motor Company.
58. Admit or deny that, as part of its compliance with federal and state tax laws, NHTSA provided former NHTSA official Susan Bailey, or her agent(s), with W-2 forms which reflected the income she received from NHTSA during her prior employment at NHTSA.
59. Admit or deny that, as part of its compliance with federal and state tax laws, Ford Motor Company provides former NHTSA official Susan Bailey, or her agent(s), with W-2 forms which reflect the income she receive from her new employer, Ford Motor Company.
60. Admit or deny or deny that former National Transportation Safety Board (NTSB) official James Hall had access to information and documents that were/are considered by NTSB to be of a confidential, proprietary or trade-secret nature.
61. Admit or deny that former NTSB official James Hall has left the employment of NTSB and has accepted or is currently employed by a direct jurisdictional subject of the NTSB, Ford Motor Company.
62. Admit or deny that prior to or during #61, officials of the NTSB Legal staffs, Security staffs, and/or Personnel staffs confiscated from the person or office files of former NTSB

official James Hall, any and all documents that were considered by the NTSB to be of a confidential, proprietary or trade-secret nature.

63. Please provide without restriction all court filings, documents, internal memos, etc. that led to the issuance of any court orders, restraining orders, preliminary injunctions, permanent injunctions, etc., that either restrict or eliminate the transfer of any NTSB confidential, proprietary or trade-secret type information and documents, that were formerly or currently in the possession of or use by former NTSB official James Hall, to his new employer Ford Motor Company.

64. Admit that, as part of its compliance with federal and state tax laws, NTSB provided former NTSB official James Hall, or his agent(s), with W-2 forms which reflected the income he received from NTSB during his prior employment at NTSB.

65. Admit that, as part of its compliance with federal and state tax laws, Ford Motor Company provides former NTSB official James Hall, or his agent(s), with W-2 forms which reflect the income he receives from his new employer, Ford Motor Company.

66. Admit or deny that the following executives of the former American Motor Corporation had access to information and documents that were considered by the former American Motors Corporation to be of a confidential, proprietary or trade-secret nature:

Dale E. Dawkins

J. L. Tolley

Harold T. Page

67. Admit or deny that each of the former American Motors Corporation executives listed in #66 had left the employment of the former American Motors Corporation and had previously accepted or are still currently employed by a direct competitor of the former American Motors Corporation, Chrysler.

68. Admit or deny that, prior to or during #67, officials of the the former American Motors Corporation Legal staffs, Security staffs, and/or Personnel staffs confiscated from these former American Motors Corporation executives or their office files, any and all documents that were considered by the former American Motors Corporation to be of a confidential, proprietary or trade-secret nature.

69. Admit or deny that, prior to or during #67, officials of the former American Motors Corporation Legal staffs, Security staffs, and/or Personnel staffs, and/or outside private investigators or any other investigatory agents/agency, secured detailed factual information and evidence that confirmed with complete certainty that the former American Motors Corporation

executives listed in #66 did not “misappropriate” any documents or information that were considered by the former American Motors Corporation to be of a confidential, proprietary or trade-secret nature.

70. To the extent that your response to #69 is an admission, please describe the exact nature or format of the secured detailed factual information and evidence that confirmed with complete certainty that the former American Motors Corporation executives listed in #66 did not “misappropriate” any documents or information that were considered by The former American Motors Corporation to be of a confidential, proprietary or trade-secret nature in behalf of their then-new or current employer Chrysler.

71. Please identify and provide complete contact information of all former American Motors Corporation Legal staffs, Security staffs, and/or Personnel staffs, and/or outside private investigators or any other investigatory agents/agency that are responsive and relevant to #69.

72. Please provide without restriction all court filings, documents, etc. of the former American Motors Corporation that led to the issuance of any court orders, restraining orders, preliminary injunctions, permanent injunctions, etc., that either restricted or eliminated the transfer of any former American Motors Corporation confidential, proprietary or trade-secret type information and documents, that were formerly or currently in the possession of or use by the former American Motors Corporation executives listed in #66, to their then-new or current employer Chrysler.

73. Please provide without restriction copies of all court orders, restraining orders, preliminary injunctions, permanent injunctions, etc., that are responsive to #72.

74. Admit or deny that a Chrysler document or documents currently or previously referred to as the ‘Personal History Record’ or PHR was maintained for the former American Motors Corporation executives listed in #66 during their employment at Chrysler, and is currently on-file at Chrysler.

75. Admit or deny that the PHR’s as described in #74, of the former American Motors Corporation executives listed in #66 who had previously accepted or are still currently employed by a direct competitor of the former American Motors Corporation, Chrysler, are available for production from Chrysler in this litigation.

76. Admit or deny that former Chrysler legal executive Jacqueline Glassman had access to information and documents that were/are considered by Chrysler to be of a confidential, proprietary or trade-secret nature.

77. Admit or deny that former Chrysler legal executive Jacqueline Glassman has left the employment of Chrysler and has accepted or is currently employed by the government agency

that has direct jurisdictional oversight responsibility of Chrysler, the National Highway Traffic Safety Administration (NHTSA).

78. Admit or deny that prior to or during #77, officials of the Chrysler Legal staffs, Security staffs, and/or Personnel staffs confiscated from the person or office files of former Chrysler legal executive Jacqueline Glassman, any and all documents that were considered by Chrysler to be of a confidential, proprietary or trade-secret nature.

79. Please provide without restriction all court filings, documents, internal memos, etc. that led to the issuance of any court orders, restraining orders, preliminary injunctions, permanent injunctions, etc., that either restrict or eliminate the transfer of any Chrysler confidential, proprietary or trade-secret type information and documents, that were formerly or currently in the possession of or use by Chrysler legal executive Jacqueline Glassman, to her new employer NHTSA.

80. Admit or deny that a Chrysler document or documents currently or previously referred to as the 'Personal History Record' or PHR was maintained for Jacqueline Glassman during her employment at Chrysler, and is currently on-file at Chrysler

81. Admit or deny that the most recent edition of the PHR of former Chrysler legal executive Jacqueline Glassman is available for production in this litigation.

82. Admit or deny that, as part of its compliance with federal and state tax laws, Chrysler provided former Chrysler legal executive Jacqueline Glassman, or her agent(s), with W-2 forms which reflected the income she received from Chrysler during her prior employment at Chrysler.

83. Admit or deny that, as part of its compliance with federal and state tax laws, NHTSA provides former Chrysler legal executive Jacqueline Glassman, or her agent(s), with W-2 forms which reflect the income she receives from her new employer, NHTSA.

84. Admit or deny that former Chrysler legal executive Lewis H. Goldfarb had access to information and documents that were/are considered by Chrysler to be of a confidential, proprietary or trade-secret nature.

85. Admit or deny that former Chrysler legal executive Lewis H. Goldfarb has left the employment of Chrysler and has accepted or is currently employed by the law firm of Hogan & Hartson.

86. Admit or deny that the law firm of Hogan & Hartson has previously and continues to represent clients, in product litigation lawsuits, that are direct competitors of Chrysler.

87. Admit or deny that prior to or during #85, officials of the Chrysler Legal staffs, Security staffs, and/or Personnel staffs confiscated from the person or office files of former Chrysler

legal executive Lewis H. Goldfarb, any and all documents that were considered by Chrysler to be of a confidential, proprietary or trade-secret nature.

88. Please provide without restriction all court filings, documents, internal memos, etc. that led to the issuance of any court orders, restraining orders, preliminary injunctions, permanent injunctions, etc., that either restrict or eliminate the transfer of any Chrysler confidential, proprietary or trade-secret type information and documents, that were formerly or currently in the possession of or use by Chrysler legal executive Lewis H. Goldfarb, to his new employer Hogan & Hartson.

89. Admit or deny that a Chrysler document or documents currently or previously referred to as the 'Personal History Record' or PHR was maintained for Lewis H. Goldfarb during his employment at Chrysler, and is currently on-file at Chrysler

90. Admit or deny that the most recent edition of the PHR of former Chrysler legal executive Lewis H. Goldfarb is available for production in this litigation.

91. Admit or deny that, as part of its compliance with federal and state tax laws, Chrysler provided former Chrysler legal executive Lewis H. Goldfarb, or his agent(s), with W-2 forms which reflected the income he received from Chrysler during his prior employment at Chrysler.

92. Admit that, as part of its compliance with federal and state tax laws, NHTSA provides former Chrysler legal executive Lewis H. Goldfarb, or his agent(s), with W-2 forms which reflect the income she receives from his new employer, Hogan & Hartson.

93. Please identify each and every person who provided information for the answering of these interrogatories and/or requests-to-produce, giving full name, address and occupation of same.

94. For each preceding interrogatory to which an answer has been declined based on the Chrysler contention that response would be excessively burdensome or similarly unreasonable, specify the exact actions necessary to provide an answer, the quantitative measure of claimed burden, and the description of each file containing information necessary for response in sufficient detail to enable a search of such files by Plaintiff.

95. For each preceding interrogatory and/or requests-to-produce to which an answer is not based on all or complete records, specify the exact nature and extent of any record search actually performed, and provide identification sufficient for notice of deposition of each individual who personally performed any such record search.

96. To the extent that any answer or failure to produce any document has been based on a present lack of information which was at one time known to Chrysler, specify as to each such

case the method of initially recording, filing and indexing such information, the location and custodian of such files, the retention period thereof and the established policy of Chrysler governing records formation and retention.