

IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS

ROC NATION, LLC,)
)
 Plaintiff,)
)
 v.)
)
UNIFIED GOVERNMENT OF)
WYANDOTTE COUNTY/KANSAS)
CITY, KANSAS,)
 Custodian of Records)
 710 N 7th St.)
 Kansas City, KS 66101)
)
KANSAS CITY, KANSAS, POLICE)
DEPARTMENT)
 Custodian of Records for the Kansas)
 City, Kansas Police Department,)
 700 Minnesota Avenue)
 Kansas City, KS 66101)
)
 Defendants.

Case No. _____

**PETITION FOR WRIT OF MANDAMUS
OR OTHER APPROPRIATE ORDER REQUIRING PRODUCTION
OF RECORDS UNDER THE KANSAS OPEN RECORDS ACT**

Plaintiff Roc Nation, LLC (“Roc Nation” or “Plaintiff”), by and through its counsel, hereby petitions the Court under the Kansas Open Records Act (“KORA”) for a writ of mandamus, pursuant to K.S.A. 45-222(a) and 60-801, ordering the Unified Government of Wyandotte County/Kansas City, Kansas (the “City”), through its Police Department, the Kansas City, Kansas Police Department (the “KCKPD”), to produce all requested records as specified herein.

Introduction

1. It is an open secret that the KCKPD has a history of misconduct. For decades, members of the KCKPD abused their positions of power and authority to solicit and coerce

fabricated witness statements and testimony, plant evidence, procure sexual favors, withhold exculpatory evidence, and conceal their own misconduct and ignore the misconduct of others. These abuses were enabled by the KCKPD's failure to adequately train and supervise its officers, particularly those in the Criminal Investigations Division (the "Investigative Division").¹ And, all the while, the blue veil of silence within the KCKPD has allowed these bad actors to avoid any accountability and has prevented the KCKPD's horrific story of widespread corruption from being told. The conduct of certain KCKPD officers has betrayed the public's trust in law enforcement.

2. As former Supreme Court Justice Brandeis said, "sunlight is . . . the best of disinfectants." In an attempt to shine such light on the KCKPD's practices, Plaintiff has sought records from the KCKPD to help ascertain the scope of the misconduct and evaluate the adequacy of the KCKPD's training and supervision, including documents relating to: (1) complaints filed against members of the Investigative Division of the KCKPD; (2) complaints, reports or internal investigations concerning a member of the KCKPD who has a documented history of engaging in the abuses; and (3) documents relating to policies and procedures relating to the supervision and oversight of detectives. These documents will help identify the scope of the problem, any potential evidence of a cover-up, and also the potential root causes (i.e., the failure to train and/or supervise) of the problems.

3. The KCKPD has, however, refused to produce documents relating to any internal investigations into wrongdoing by specific members of the KCKPD, preventing the public from evaluating whether the KCKPD has adequately supervised its officers, investigated any complaints, and addressed the allegations of misconduct against members of its force.

¹ The KCKPD's Investigative Division is also commonly referred to as the "Investigative Bureau."

Jurisdiction

4. This Court has jurisdiction pursuant to the Kansas Open Records Act, K.S.A. 45-215 *et seq.*, and relief is sought pursuant to K.S.A. 60-801, the statute governing writs of mandamus.

5. Venue is proper because the public records are located in Wyandotte County/Kansas City, Kansas. K.S.A. 45-222(a) (“The district court of any county in which public records are located shall have jurisdiction to enforce the purposes of this act with respect to such records, by injunction, mandamus or other appropriate order, in an action brought by any person”).

Parties

6. Plaintiff Roc Nation, LLC (“Roc Nation”) is a full-service limited liability company founded in 2008 that is incorporated under the laws of Delaware and has its principal place of business at 540 West 26th Street, New York, New York 10001. Roc Nation has an active philanthropy division—Team Roc—that is committed to social justice, working to effect positive change, raising awareness of injustice, and bringing about collective action in communities across the United States.

7. Defendant Unified Government of Wyandotte County/Kansas City, Kansas, was established in 1997, following a vote to consolidate the governments of the Wyandotte County and Kansas City, Kansas.

8. Defendant Kansas City, Kansas, Police Department’s headquarters is located at 700 Minnesota Avenue, Kansas City, Kansas, 66101.

Background

9. For decades, the KCKPD has failed to provide accountability for officer misconduct. And, thanks to the blue veil of silence and apparent failure to investigate serious allegations, little of it has come to light. But now, through dogged investigative reporting, the

efforts of civil rights groups and legal non-profits, and the brave actions of those abused by the KCKPD, the story of the KCKPD's corruption and abuse of Kansas City, Kansas residents is finally being told.

10. One does not have to look hard to find ample evidence of misconduct within the KCKPD. Just last year, KCKPD officer Nicholas Schafer was charged with felony aggravated indecent liberties with a child younger than 14, and eight KCKPD officers were sued for entering a home where a Kansas City resident was working construction, pointing guns at him, throwing him to the floor, and kicking him violently until he lost consciousness, causing permanent damage to his back. Also in 2020, a KCKPD officer was charged with buying sexual relations while on duty and in uniform.

11. Before that, in 2019, Wyandotte County officers David Toland and Marcus Johnson were criminally charged with various crimes, including aggravated battery, for isolating a detained individual in an elevator, punching him, and slamming his head against the elevator door until the individual slumped to the floor. Also in 2019, KCKPD officer Faisal Hassan was sued for entering a resident's home at night without reason, waking the resident up in his bed, and beating him savagely in the head and face while other KCKPD officers watched. The resident was never prosecuted for any crime. In the same year, female KCKPD officer Z'lontae Womack sued the Unified Government of Wyandotte County for race and gender discrimination, hostile work environment and retaliation, alleging "rampant" race and gender discrimination "particularly during the five years Terry Zeigler was police chief." Officer Womack further alleged that she and her partner were pursued at high speed by an intoxicated fellow KCKPD officer, but she was cited for misconduct, and, when she reported the incident, her suspension was tripled, while her

white partner suffered no punishment. Officer Womack was also “mocked and ridiculed” by Zeigler on multiple occasions.

12. In 2018, a female police cadet filed a formal complaint with the Equal Employment Opportunity Commission and the Kansas Human Rights Commission against the KCKPD, then-Chief of Police Terry Zeigler, and her KCKPD supervising officer, alleging that she had been fired by former-Chief Zeigler in retaliation for her reporting that she was sexually harassed and sexually assaulted by the supervising officer, who was ultimately found guilty of sexual battery.²

13. In 2011, following a sting operation conducted by the FBI, three officers of the KCKPD Special Weapons and Tactics Unit were federally indicted for a multi-year conspiracy to steal cash and other personal property from residents’ homes while serving search warrants. All three officers ultimately pled guilty to felony conspiracy to violate citizens’ civil rights.

14. While all of these incidents involved KCKPD officers, the misconduct starts at the top and was permitted to continue due to gross oversight and mismanagement. Indeed, in 2019, the Kansas City Bureau of Investigation (the “KBI”) commenced a criminal investigation into then-Chief Zeigler when it was uncovered that he had been living in a county-owned lake home “under a handshake deal” with Wyandotte officials that allowed him to pay less than \$1,300 for a year’s worth of rent. Despite the fact that the KBI’s investigation was completed and handed over to the District Attorney’s office in May 2019, no charges have been brought against Zeigler.

15. On information and belief, Zeigler ignored misconduct and even crimes committed by his officers, including sexual violence perpetrated by officers. Indeed, it was recently revealed that Zeigler’s former partner, Roger Golubski, framed an innocent Black man for a homicide that

² According to press reports, Chief Zeigler resigned after heavy scrutiny related in part to the cadet’s complaint.

he did not commit when his mother refused to engage in further non-consensual sex acts with Golubski.³ Despite the fact that his serious misconduct was an open secret within the KCKPD, Golubski was promoted through the ranks and eventually retired as a captain. As stated above, his partner—Terry Zeigler—eventually became the chief of police before retiring in 2019 following his own scandal.

16. It was also recently made public that another contemporary of Zeigler and Golubski, Officer William Saunders, also abused his authority to solicit sexual favors.

17. Absent gross mismanagement or willful ignorance, it is unlikely that these abhorrent practices by Golubski and other members of the KCKPD were unknown by KCKPD leadership, including by Zeigler.⁴ Indeed, one of Officer Saunders' victims, Natasha Hodge, has indicated that even though she filed a report with the KCKPD's internal affairs department and had forensic evidence supporting her allegations, no actions were taken against Saunders. At least two other female KCKPD officers also filed internal complaints against Saunders for sexual misconduct to no avail.

18. Yet, neither former-Chief Zeigler nor any other member of the KCKPD put an end to these practice or even brought them to light. A former KCKPD officer recently noted that “People have turned up dead for less here,” when referring to making public statements against

³ As alleged in a suit by Rose Lee and Lamonte McIntyre, former Detective Roger Golubski forced vulnerable African American women in Kansas City, including sex workers, to engage in non-consensual sex acts—including at the actual KCKPD precinct—with threats of physical violence and fabricated charges, in exchange for fixing tickets and making warrants disappear, and/or in return for drugs and money that he obtained from drug dealers by shielding them from prosecution.

⁴ Golubski is also presently being sued for having allegedly threatened, manipulated, and controlled a key eyewitness in a separate case whose testimony was used to obtain a first-degree murder conviction.

the KCKPD.⁵ In this environment of fear, evidence of misconduct was ignored or covered-up, allowing officers to engage in misconduct without fear of punishment or accountability.

19. Chief Zeigler’s and other KCKPD supervisors’ willingness to overlook serious misconduct became so problematic that, in June 2020, the Wyandotte County District Attorney’s Office announced plans to form an independent arm to investigate accusations of excessive force and misconduct by officers. The Police Scorecard—the first nationwide public evaluation of policing in the United States that calculates levels of police violence, accountability, racial bias and other policing outcomes for municipal and county law enforcement agencies—ranked the KCKPD 447th out of 500 police departments in the United States. In July 2021, Wyandotte mayoral candidate and former U.S. Army member and KCKPD officer Tyrone Garner called for a U.S. Justice Department investigation into the KCKPD due to the unacceptably high number of “allegations of misconduct and nefarious activities by the Kansas City, Kansas Police Department.” Mr. Garner noted that citizen complaints rarely have any impact due to the “blue code of silence” and the fact that “bigger complaints” involving “corruption” “had to be ran through . . . the chief’s office.”

20. Plaintiff has a special interest in learning about the abusive practices of the KCKPD Investigative Division, which will provide evidence of misconduct to potential victims of the KCKPD, which they can then use to seek justice. Allowing the public to obtain information about the scope and scale of the misconduct within the KCKPD will help ensure that the KCKPD is subject to scrutiny and oversight by the community that it is supposed to protect and defend.

⁵ Melinda Henneberger, *He’s ‘definitely a sexual predator’: Former KCK cop says colleague assaulted her, too*, The Kansas City Star (Sept. 1, 2021, 6:00 AM), available at <https://news.yahoo.com/definitely-sexual-predator-former-kck-100000891.html>.

21. On August 15, 2021, Plaintiff, acting through counsel, filed a records request under KORA with the Unified Government of Wyandotte County/Kansas City, Kansas. A copy of the request is attached as Exhibit A. The requests sought information that would allow Plaintiff to: (1) assess the extent of the misconduct within KCKPD Investigative Division (Request Nos. 1-6); (2) identify evidence of willful blindness as it related to Golubski's severe misconduct (Request Nos. 7-8); and (3) identify any policies and procedures that were in place to help evaluate the adequacy and sufficiency of training and supervision to prevent and detect any misconduct by members of the KCKPD (Request Nos. 9-10).

22. On August 27, 2021, the City refused to produce documents in response to three requests (Request Nos. 3, 4, and 6), agreed to produce documents in response to four of the requests (Requests 1, 2, 8, 9, and 10), and claimed that it has no documents responsive to two requests (Request Nos. 5, 7).⁶ *See* Exhibit B (Response from the City).

23. Request 3 seeks "Documents pertaining to any investigation, including any internal or administrative investigation, against any member of the KCKPD Investigative Division for engaging in any activity identified in Request No. 1."⁷ Please also provide the date, time, and

⁶ Plaintiff has received an initial production of documents from the City and is anticipating a second production in early October. Plaintiff reserves all rights with respect to the adequacy of the productions.

⁷ Request No. 1 seeks "Any complaints, whether formal or informal, filed against any member of the investigative division of the KCKPD or documented by the KCKPD's investigative division pertaining to, but not limited to: (a) Providing illegal drugs; (b) Harassment of or retaliation against women in patrolling neighborhood or community, including threat of persecution; (c) Inappropriate relationships, sexual encounters, or sexual arrangements with women – including in patrolling neighborhoods or community; (d) Coercion of, pressure applied to, or relaying improper suggestions to witnesses or defendants; (e) Tampering with or fabricating evidence; (f) Eliciting fabricated information, identifications, or testimony; (g) Denial of identifications or testimony retractions; (h) Failure to investigate or take investigative steps; (i) or other misconduct, by any member of the KCKPD's investigative division."

location of the alleged incidents as well as age, race, ethnicity, and gender of each individual involved in an accusation that prompted an investigation.” The City has refused to produce documents in response to this Request pursuant to K.S.A. 45-221(a)(4), which protects against the disclosure of personnel records.

24. Request 4 seeks “Documents pertaining to any disciplinary actions (e.g., sustained or founded; not sustained or unresolved; exonerated; or unfounded) against any member of the KCKPD Investigative Division arising from or alleging any activity identified in Request No. 1.” The City has refused to produce documents in response to this Request pursuant to K.S.A. 45-221(a)(4), which protects against the disclosure of personnel records.

25. Request 6 seeks “all documents produced or otherwise disclosed to the KBI or FBI in connection with any investigation into the KCKPD or any officer thereof pertaining to any activity identified in Request No. 1, including any documents produced or otherwise disclosed to the KBI in connection with the investigation of Terri Zeigler.” The City has refused to produce documents in response to this Request pursuant to K.S.A. 45-221(a)(4), which protects against the disclosure of personnel records, and pursuant to K.S.A. 45-221(a)(10)(A-C), which protects against the disclosure of criminal investigation records absent specific circumstances.

26. Plaintiff brings this suit because many documents responsive to Requests 3, 4, and 6 are likely to contain material that is subject to public disclosure, and any concerns regarding records being “individually identifiable” to state employees can be remedied through redactions. *See* K.S.A. 45-221(d). Moreover, to the extent documents constitute criminal investigation records, such records fall within the exception of K.S.A. 45-221(a)(10), which permits this Court to order the production of such records when disclosure is in the public interest.

Argument

27. “[T]he public policy of [Kansas] [is] that public records shall be open for inspection by any person unless otherwise provided,” and KORA “shall be liberally construed and applied to promote such policy.” K.S.A. 45-216. “KORA [was] passed by the legislature to ensure public confidence in government by increasing access of the public to government and its decision-making processes. This increases the accountability of governmental bodies and deters official misconduct.” *Cypress Media, Inc. d/b/a The Kan. City Star v. City of Overland Park*, 268 Kan. 407, 416, 997 P.2d 681, 688 (2000) (quoting *State Dept. of SRS v. Pub. Emp. Relations Bd.*, 249 Kan. 163, 170, 815 P.2d 66, 72 (1991)).

28. Plaintiff is seeking documents outside of the scope of personnel records that will help the public better understand the KCKPD’s response to complaints (whether formal or informal) that are made concerning members of the KCKPD’s Investigative Division, as well as how the KCKPD has responded to those complaints, in order to determine whether complaints are being seriously addressed and whether there is sufficient oversight and supervision over the KCKPD. Although the City has agreed to produce documents pertaining to the complaints made against members of the Investigative Division of the KCKPD (Request No. 1), they have refused to produce documents pertaining to any steps that the City has taken in response to those Complaints, including any investigations or disciplinary proceedings initiated as a result of the complaints (Request Nos. 3-4).

29. The complaints provided the KCKPD with “reason to believe that the employment of the employee would result in an undue risk of harm to others.” *Wayman v. Accor N. Am., Inc.*, 45 Kan. App. 2d 526, 541, 251 P.3d 640, 650 (2011). Documents related to any internal investigations of misconduct or the consequences of any internal investigation are relevant to determining whether the KCKPD acted in a reasonably diligent manner in investigating and

overseeing its officers in response to complaints. To the extent no such steps were taken, the KCKPD could be found to have been negligent in its supervision.

30. Plaintiff has also requested “documents produced or otherwise disclosed to the KBI or FBI in connection with any investigation into the KCKPD.” These documents, like the prior requests, will help show what complaints have been made, and what, if any, remedial steps the KCKPD has undertaken to address the complaints raised against the KCKPD. These documents are particularly relevant because the KCKPD has indicated that they turned over documents relating to misconduct, such as in the case of Saunders, but rather than prosecute the Officer, the government instead chose to sweep it under the rug.⁸ The City has refused to produce documents in response to this request on the ground that such documents constitute criminal investigation records pursuant to K.S.A. 45-221(a)(10) and because they also constitute personnel records.

31. Pursuant to K.S.A. 45-221(10), this Court can order the disclosure of criminal records investigation “if the Court finds that disclosure:

- (A) Is in the public interest;
- (B) would not interfere with any prospective law enforcement action, criminal investigation or prosecution;
- (C) would not reveal the identity of any confidential source or undercover agent;
- (D) would not reveal confidential investigative techniques or procedures not known to the general public;
- (E) would not endanger the life or physical safety of any person; and
- (F) would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or

⁸ Melinda Hennenberger, *Roger Golubski wasn't the only alleged rapist in KCKPD, but DA 'declined to prosecute,'* The Kansas City Star (June 27, 2021, 5:00 AM), available at <https://www.kansascity.com/opinion/opn-columns-blogs/melinda-henneberger/article252366113.html>.

article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.”

K.S.A. 45-221(10); *see also Green v. Unified Gov't of Wyandotte Cty./Kan. City*, 54 Kan. App. 2d 118, 119, 397 P.3d 1211, 1212 (2017) (recognizing the prohibition on disclosure of criminal investigations is not “iron-clad”).

32. Documents are in the “public interest” when they relate to matters that “affect[] a right or expectancy of the community at large and must derive meaning within the legislative purpose embodied in the statute.” *Harris Enter., Inc. v. Moore*, 241 Kan. 59, 66, 734 P.2d 1083, 1084 (1987). In this case, the requested documents are squarely within the public interest because they are relevant to investigating severe misconduct in the KCKPD Investigative Division that was ignored for years.

33. Specifically, Plaintiffs seek documents that will allow the public to uncover the various complaints against members of the KCKPD Investigative Division, and whether any action was taken to curb those abuses and prevent them from continuing. The KCKPD is entrusted by the public to help maintain peace in the community. Yet, it appears that officers have abused their power and engaged in wrongdoing for years. To the extent that the KCKPD did not take any steps to remediate these issues, members of the public have a right to know so they can organize and take appropriate steps to effect change.

34. Moreover, the documents sought relate to internal investigations involving alleged misconduct of the KCKPD. As such, release of those documents will not interfere with any law enforcement action, reveal confidential investigative techniques or procedures, or endanger the life or physical safety of any person.

35. Finally, to the extent any record is “individually identifiable” to a specific employee or contains the name of confidential sources or informants, they can be easily redacted to protect

the identity of such employees or confidential sources, as such information is not material to investigations of the KCKPD's internal conduct. *See Wichita Eagle & Beacon Pub. Co. v. Simmons*, 274 Kan. 194, 223, 50 P.3d 66, 87 (2002) (citing K.S.A. 45-221(d) in holding that KORA "mandates that a public agency 'shall separate or delete such material and *make available* to the requester that material in the public record which is subject to disclosure pursuant to this act,'" regardless of any "perception of inconvenience") (emphasis original); *see also* Att'y Gen. Op. No. 98-38 ("It is important to remember that under the KORA if a document contains some material which is not subject to disclosure and some material that is subject to disclosure, a public agency is under a duty to make available that material which is subject to disclosure."). Yet, rather than agreeing to provided redacted information, the City has refused to produce *any* responsive documents.

36. Given the strong public interest and absence of countervailing factors, Plaintiff satisfies the requirements of K.S.A. 45-221 supporting disclosure of the requested documents.

WHEREFORE, for all of the reasons stated above, Plaintiff requests that this Court:

- (1) Issue a writ of mandamus ordering the Unified Government of Wyandotte County/Kansas City, Kansas to produce the requested documents, or, in the alternative, set a hearing at which Plaintiff be permitted to present evidence in support of their request in this Petition;
- (2) Award Plaintiff's costs and reasonable attorneys' fees, as provided by K.S.A. 45-222(d); and
- (3) Order all other such relief that the Court deems just and proper.

[Signature Page Follows]

Dated: September 20, 2021

GM LAW PC

OF COUNSEL:

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

Alex Spiro*
51 Madison Avenue, 22nd Floor
New York, New York 10010
Telephone: (212) 849-7000
Email: alexspiro@quinnemanuel.com

DECHERT LLP

Christina Guerola Sarchio*
1020 19th Street, NW, Suite 505
Washington, DC 20036
Telephone: 202-261-3465
Email: christina.sarchio@dechert.com

**Pro hac vice application forthcoming*

By: /s/ William D. Beil

William D. Beil KS# 18072
Clinton J. Mann KS# 28735
1201 Walnut, Ste. 2000
Kansas City, MO 64106
Telephone: 816-460-3304
Email: billb@gmLawPC.com
Email: clintm@gmLawPC.com

Counsel for Plaintiff

ROC NATION, LLC,

Plaintiff,

Case No. _____

v.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS COUNTY, KANSAS, et al.

Defendants.

EXHIBIT A

GM LAW PC
William D. Beil KS# 18072
Clinton J. Mann KS# 28735
1201 Walnut, Ste. 2000
Kansas City, MO 64106
Telephone: 816-460-3304
billb@gmlawpc.com
clintm@gmlawpc.com

Counsel for Plaintiff

quinn emanuel trial lawyers | new york

51 Madison Avenue, 22nd Floor, New York, New York 10010-1601 | TEL (212) 849-7000 FAX (212) 849-7100

WRITER'S DIRECT DIAL NO.
(212) 849-7364

WRITER'S EMAIL ADDRESS
alexspiro@quinnemanuel.com

August 15, 2021

VIA U.S. MAIL

Unified Government of Wyandotte
County/Kansas City, Kansas
Custodian of Records
710 N 7th St.
Kansas City, KS 66101

Kansas City, Kansas, Police Department
Custodian of Records for the Kansas City,
Kansas Police Department,
700 Minnesota Avenue
Kansas City, KS 66101

Kansas Attorney General
Custodian of Records
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612

Re: Request for Records Pursuant to K.S.A. § 45-415, et seq.

Dear Custodian of Records:

Pursuant to the Kansas Open Records Act § 45-215 *et seq.*, we write to request copies of public records identified in **Exhibit A** to this letter. Please provide your responses in electronic format.

This request is submitted on behalf of Roc Nation LLC (“Roc Nation”). Roc Nation is committed to social justice, and works to advance social good locally, nationally and globally.

We request a waiver of all fees given that the disclosure of the requested information is in the public interest and will contribute significantly to the public’s understanding of the discriminatory and corrupt practices of the Kansas City, Kansas Police Department. Moreover, this information is not being sought for commercial purposes, but rather to shed light on issues that have long been shielded from public view as a result of an ongoing conspiracy to prevent disclosure of important information.

As you know, the Kansas Open Records Act requires a response time within three business days. We look forward to your prompt response and reserve all rights if the documents are not provided within the relevant time period.


quinn emanuel urquhart & sullivan, llp

ATLANTA | AUSTIN | BOSTON | BRUSSELS | CHICAGO | HAMBURG | HONG KONG | HOUSTON | LONDON | LOS ANGELES | MANNHEIM | MIAMI |
MUNICH | NEUILLY-LA DEFENSE | NEW YORK | PARIS | PERTH | SALT LAKE CITY | SAN FRANCISCO | SEATTLE | SHANGHAI | SILICON VALLEY |
STUTTGART | SYDNEY | TOKYO | WASHINGTON, DC | ZURICH

If you have any questions, please immediately contact Alex Spiro (alexspiro@quinnemanuel.com; 212-849-7364) or Christina Sarchio (christina.sarchio@dechert.com; 202-261-3465).

Thank you in advance for your assistance with this request.

Respectfully submitted,

A handwritten signature in dark ink, consisting of the letters 'AS' followed by a long, horizontal flourish.

Alex Spiro
Quinn Emanuel Urquhart & Sullivan, LLP
51 Madison Ave., 22nd Floor
New York, N.Y. 10010
Tel: (212) 849-7000

Christina Guerola Sarchio
Gregory Noorigian
Sofia Panero
Dechert LLP
1900 K St. NW
Washington, DC 20006
Tel: (202) 261-3300

EXHIBIT A

DEFINITIONS

1. “Communication” means any transmission of information by one or more Persons and/or between two or more Persons by any means, including but not limited to emails, telephone conversations, messages, videos, letters, telegrams, teletypes, telexes, telecopies, written memoranda, social media platforms, and face-to-face conversations.

2. “Document” means and includes any kind of written, typewritten, or printed materials; any tangible recording of any form of statement, communication, or representation; electronic mail or other electronic messages, both in electronic and printed form; and all other data compilation from which information can be obtained (if necessary, translated through detection devices into reasonably usable form). A non-exclusive list of materials falling under the definition “document” includes: advertisements; advertising and marketing materials; agendas; agreements; appointment books; bills; brochures; cables; calendars; catalogs; charts; checks, including canceled checks; circulars; communications of any nature; computer cards; computer discs; computer files, including those contained on flash, thumb, or zip drives; computer printouts; computer tapes; conversations, including notes or minutes memorializing them; correspondence, whether sent by regular mail, private or express mail service such as UPS or FedEx, courier, email, and/or some other formal capacity; diaries; drawings; e-mail; electronic messaging of any kind; electronic sound recordings or transcripts thereof; electronically stored data of any kind or nature; financial statements; financial and statistical data; graphic matter of any kind or nature; graphs; inter-office communications; interviews, including reports or summaries memorializing them; investigations, including reports or summaries memorializing them; invoices; ledger sheets; letters; logs; maps; mechanical sound recordings or transcripts thereof; meetings, including notes

or minutes memorializing them; memoranda; microfilm; negotiations, including reports or summaries memorializing them; notes; opinions or reports of consultants; opinions or reports of counsel; pamphlets; photographs; photo records; plans; press releases; receipts; reports; social media posts, messages, statements, or chats; tape and sound records; telegrams; telexes; trade letters; writings and all non-identical copies thereof; written agreements; and any other written, printed, typed or graphic material in any form. “Document” further includes the term “Communication” described herein, unless otherwise stated.

3. “DOJ” means the United States Department of Justice, which is headquartered in Washington D.C., and any of its officers, agents, or employees, including in any field offices thereof.

4. “FBI” means the Federal Bureau of Investigation, which is headquartered in Washington D.C., and any of its officers, agents, or employees, including in any field offices thereof.

5. “Golubski” means Roger Golubski, former detective of the KCKPD.

6. “KCKPD” means the Kansas City, Kansas, Police Department, and any division thereof.

7. “KBI” means Kansas Bureau of Investigation, which is headquartered in Topeka, Kansas, and any of its officers, agents, or employees, including in any field office thereof.

8. “Misconduct” means any wrongdoing, whether or not such conduct rises to a criminal level, including, but not limited to, the application of pressure to prevent witnesses from testifying or to solicit fabricated testimony, the failure to undertake proper investigative steps, knowing protection of criminals or criminal activity, sexual abuse, including engaging in sexual

relationships with women in exchange for money or drugs, or through the use of threats or coercion, or the destruction of records or evidence.

9. In order to bring within the scope of these discovery requests all conceivably relevant and responsive information which might otherwise be construed to be outside their scope:

- a. The terms “all,” “any,” “each” and “every” shall each be construed as encompassing any and all.
- b. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
- c. The use of the singular form of any word includes the plural and vice versa.
- d. The word “including” shall mean “including without limitation.” The past tense shall include the present tense, and vice versa, and any reference to any gender includes the other gender.

INSTRUCTIONS

1. Unless otherwise indicated in the specific request, the relevant time period for these requests is from January 1, 2019 to the present.

2. If, after reasonable and thorough investigation using due diligence, You are unable to identify Documents responsive to a request specify in full and complete detail the reason that the information is not available and what efforts have been made to locate such information. In addition, You are to specify what knowledge You do have concerning the unanswered portion of the request and set forth the facts upon which such knowledge is based.

3. If You object to any portion of any request, You are requested to produce all Documents requested by that portion of the request to which You does not object. If You object

to any request for the reason that it is too broad, You are to produce all Documents that You concede are relevant. If You object to a request on the ground that to provide an answer or produce a Document would constitute an undue burden, You are to provide all requested Documents that can be supplied without undertaking an undue burden.

4. In answering the requests contained herein, furnish all information available to You. Documents requested in these requests shall include information within the knowledge, possession, custody, or control of any of Your agents, employees, partners, executives, managers, officers, attorneys, advisors, consultants, investigators, or any other Persons directly or indirectly subject to Your control in any way whatsoever.

5. As to any Document withheld, in whole or in part, because of a claim of privilege, protection, or claim of attorney work product, provide a log that identifies each document that was withheld on the basis of any applicable privilege, including the date of the document, the recipients of the communication or the author of the document, the subject matter of the document, and the basis for withholding the document.

6. If any Document responsive to these requests was, but no longer is, in Your possession, custody, or control, or no longer is in existence, state whether it is: (a) missing or lost; (b) destroyed; (c) transferred voluntarily or involuntarily to others, and if so, to whom; or (d) disposed of otherwise. In each instance, explain the circumstances surrounding any authorization for such disposition, and state the approximate date thereof. To the extent that You claim a Document has been destroyed, please provide a certificate or record of destruction.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Any complaints, whether formal or informal, filed against any member of the investigative division of the KCKPD or documented by the KCKPD's investigative division pertaining to, but not limited to:

- (a) Providing illegal drugs;
- (b) Harassment of or retaliation against women in patrolling neighborhood or community, including threat of persecution;
- (c) Inappropriate relationships, sexual encounters, or sexual arrangements with women – including in patrolling neighborhoods or community;
- (d) Coercion of, pressure applied to, or relaying improper suggestions to witnesses or defendants;
- (e) Tampering with or fabricating evidence;
- (f) Eliciting fabricated information, identifications, or testimony;
- (g) Denial of identifications or testimony retractions
- (h) Failure to investigate or take investigative steps;
- (i) or other misconduct, by any member of the KCKPD's investigative division.

REQUEST FOR PRODUCTION NO. 2:

For each complaint identified in Request No. 1, please also provide:

- (a) Date, time, and location of the alleged incidents in the complaint and whether there is video footage of the incident (YES, NO, malfunctioned, not activated, etc.). If Yes, provision of the video footage;
- (b) Age, race, ethnicity, and gender of each individual involved in an accusation;
- (c) Unique identifiers for all officers named in the complaints listed above including:
 - (i) Division, unit, or patrol/assignment, rank, years of experience, age, race, ethnicity, gender, height, and weight;
 - (ii) Whether any of the accusations and specific incidents resulted in charges, trial, or conviction;
 - (iii) Whether any police officers within KCPD were witnesses to any of the incidents; and

(iv) Reason for initial contact of accuser or witness.

REQUEST FOR PRODUCTION NO. 3:

Documents pertaining to any investigation, including any internal or administrative investigation, against any member of the KCKPD investigative division for engaging in any activity identified in Request No. 1. Please also provide the date, time, and location of the alleged incidents as well as age, race, ethnicity, and gender of each individual involved in an accusation that prompted an investigation.

REQUEST FOR PRODUCTION NO. 4:

Documents pertaining to any disciplinary actions (e.g., sustained or founded; not sustained or unresolved; exonerated; or unfounded) against any member of the KCKPD investigative division arising from or alleging any activity identified in Request No. 1.

REQUEST FOR PRODUCTION NO. 5:

All documents and communications concerning complaints of civil rights violations allegedly committed by members of the investigative division of the KCKPD submitted to the FBI and/or DOJ pursuant to the 2006 Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the DOJ.

REQUEST FOR PRODUCTION NO. 6:

Without date limitation, all documents produced or otherwise disclosed to the KBI or FBI in connection with any investigation into the KCKPD or any officer thereof pertaining to any activity identified in Request No. 1, including any documents produced or otherwise disclosed to the KBI in connection with the investigation of Terri Ziegler.

REQUEST FOR PRODUCTION NO. 7:

Any reports, memoranda, or forms concerning Golubski, including any investigative reports, or notes of meetings with or concerning Golubski.

REQUEST FOR PRODUCTION NO. 8:

All communications with or involving Golubski regarding (i) Golubski's work or conduct for the KCKPD investigative division, or (ii) any ongoing investigations into the KCKPD's investigative division.

REQUEST FOR PRODUCTION NO. 9:

Without date limitation, policies and procedures regarding the supervision or oversight of detectives within the investigative division.

REQUEST FOR PRODUCTION NO. 10:

Without date limitation, orientation guides, training manuals, or policies and procedures provided to detectives in the investigative division concerning (i) interactions with potential eyewitnesses, family members of victims, and suspects; (ii) investigative steps to be taken in the course of a homicide investigation; and (iii) penalties for failure with such policies or procedures.

ELECTRONICALLY FILED

IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS
CLERK OF THE WYANDOTTE COUNTY DISTRICT COURT
CASE NUMBER: 2021-CV-000631

ROC NATION, LLC,

Plaintiff,

Case No. _____

v.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS COUNTY, KANSAS, et al.
Defendants.

EXHIBIT B

GM LAW PC
William D. Beil KS# 18072
Clinton J. Mann KS# 28735
1201 Walnut, Ste. 2000
Kansas City, MO 64106
Telephone: 816-460-3304
billb@gmlawpc.com
clintm@gmlawpc.com

Counsel for Plaintiff

From: Unified Government of WYCOKCK Public Records <clerkeast@wycokck.org>
Sent: Friday, August 27, 2021 2:53:39 PM (UTC-05:00) Eastern Time (US & Canada)
To: Alex Spiro <alexspiro@quinnemanuel.com>
Subject: [External Message Added] Unified Government of WYCO/KCK public records request #21-1818

[EXTERNAL EMAIL from clerkeast@wycokck.org]

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

Unified Government of WYCO/KCK Public Records

A message was sent to you regarding record request #21-1818:

REQUEST FOR PRODUCTION Nos 1 and 2: Records will be provided after payment of invoice.

REQUEST FOR PRODUCTION NO. 3: Denied per KSA 45-221(a)(4)

REQUEST FOR PRODUCTION NO. 4: Denied per KSA 45-221(a)(4)

REQUEST FOR PRODUCTION NO. 5: The Department has no records responsive to this request.

REQUEST FOR PRODUCTION NO. 6: Denied per KSA 45-221(a)(10)(A-C) and KSA 45-221(a)(4)

REQUEST FOR PRODUCTION NO. 7: The Department has no records responsive to this request.

REQUEST FOR PRODUCTION NO. 8: Re (i), There are no records of communications with Roger Golubski. If you are requesting a search of email communications regarding "Roger Golubski" please confirm. A review of those emails for redactions pursuant to KSA 45-221 will require payment prior to the review. I will provide an anticipated cost if this is what you are asking for. (ii) No records responsive to this request.

REQUEST FOR PRODUCTION NO. 9: Bureau SOPs will be provided after payment of invoice.

REQUEST FOR PRODUCTION NO. 10: Bureau SOPs will be provided after payment of invoice.

[View Request 21-1818](#)

<https://wycokck.nextrequest.com/requests/21-1818>



POWERED BY NEXTREQUEST

The All in One Records Requests Platform

Questions about your request? Reply to this email or sign in to contact staff at Unified Government of WYCO/KCK.

Technical support: See our [help page](#)