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**FAX**

TO: Hon. John P. Sellers, III  
Administrative Law Judge

FAX NO.: 513-684-6108

FROM: Lee Seham

SUBJECT: Estabrook v. FedEx  
Case No. 2014-AIR-22

DATE: July 24, 2015

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MESSAGE:

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July 24, 2015

## BY FAX

Hon. John P. Sellers, III  
Administrative Law Judge  
Office of Administrative Law Judges  
United States Department of Labor  
36 E. 7th St., Suite 2525  
Cincinnati, Ohio 45202

Re: *Estabrook v. Federal Express Corporation*  
Case No. 2014-AIR-22

Dear Judge Sellers:

We acknowledge receipt of the Order Following *In Camera* Review, issued July 20, 2015, which resolves the issues regarding Respondent's privilege log, which were raised in our motion and amended motion to compel discovery.

With respect to the other issues raised in our motion to compel, the Order Regarding Discovery and Scheduling, issued May 28, 2015, addressed our objections to Respondent's responses to our Requests for Admissions, and stated that "[s]ome of the alleged inadequacies will be resolved, hopefully, as discovery moves forward, making matters of particular phraseology moot."

However, neither the Order Following *In Camera* Review, nor the Order Regarding Discovery and Scheduling addressed our motion to compel FedEx to provide full responses to the following interrogatories and document requests:

### Interrogatories

**INTERROGATORY NO. 7:** State the reasons why the Complainant was placed on NOQ status on or about August 5, 2013.

(See pages 13-14 of Complainant's Amended Motion to Compel).

**Document Requests**

**REQUEST NO. 1:** Produce each document in your possession that you reviewed to obtain facts relating to the Complaint.

**REQUEST NO. 6:** Produce each document in your possession related to or referencing the Laredo Departure referenced in paragraphs 4 through 8 of the Complaint, including any document originating from, or recorded telephone call involving, Chief Pilot Bill McDonald or Rob Fisher.

**REQUEST NO. 7:** Produce each document in your possession relating your knowledge of any terrorist organization targeting your operations or the operations of another cargo aircraft operator and the measures taken by you, if any, to respond to this threat.

**REQUEST NO. 8:** Produce each document in your possession relating to the Complainant's request of August 4, 2013, for a meeting with you and/or the arrangement for the requested meeting.

**REQUEST NO. 10:** Produce each document in your possession that you brought to your meeting with the Complainant on August 9, 2013.

**REQUEST NO. 11:** Produce each document in your possession addressing the issue as to whether the Complainant was "Mayday Mark."

**REQUEST NO. 12:** Produce each document in your possession referencing Mayday Mark.

**REQUEST NO. 13:** Produce the documents referenced in paragraph 16 of the Complaint.

**REQUEST NO. 14:** Produce each document referencing the Complainant originating between on or before August 4, 2013 through and including August 9, 2013.

**REQUEST NO. 17:** Produce any correspondence or communication in your possession from January 1, 2008, to the present date referencing Auburn Calloway.

**REQUEST NO. 18:** Produce each document in your possession referencing any connection between the Complainant and Russia or the Soviet Union.

**REQUEST NO. 19:** Produce each document relating to the decision to place the Complainant on NOQ status on or about August 5, 2013.

**REQUEST NO. 20:** Produce each document in your possession referencing the basis or rationale for your determination in August, 2013, that Complainant should be required to submit to psychiatric evaluation.

**REQUEST NO. 23:** Produce each document in your possession relating to the Complainant's military service.

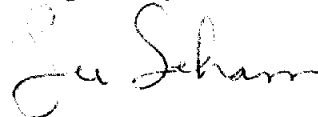
**REQUEST NO. 27:** Produce each document, including any recording or ESI information, related to conversations between FedEx GOCC, the Flight Duty Officer and the Complainant on April 10, 2013, and recorded conversations between Complainant and Manager of A300/310 Fleet Operations, Captain Rob Fisher on August 9, 2013.

(See pages 15-29 of Complainant's Amended Motion to Compel).

While the Order Regarding Discovery and Scheduling states that "discovery will progress ... after which the parties will again confer to resolve any remaining disputes," we are unclear whether this order means that our objections to FedEx's responses to interrogatories and document requests will not be resolved until after depositions, which are now scheduled for September 1-3.

Therefore, we respectfully request the Court's clarification of the Order Regarding Discovery and Scheduling with respect to the unresolved motion to compel full responses to interrogatories and document requests.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lee Seham".

Lee Seham

cc: Daniel Riederer, Esq.  
Counsel for Respondent FedEx