

**UNITED STATES DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

MARK ESTABROOK,)	
)	
Complainant,)	
)	Case No.: 2014-AIR-00022
v.)	Hearing Date: TBA
)	
FEDERAL EXPRESS CORPORATION,)	
)	
Respondent.)	

**RESPONDENT FEDERAL EXPRESS CORPORATION'S SUPPLEMENTAL
RESPONSES TO COMPLAINANT'S FIRST SET OF INTERROGATORIES**

Respondent Federal Express Corporation (FedEx), by and through counsel and pursuant to 29 C.F.R. § 18.18, hereby submits this supplemental response to Complainant's First Set of Interrogatories to Respondent FedEx as follows:

PRELIMINARY STATEMENT

Respondent has not completed its investigation, discovery, or analysis of all the facts of this case and has not completed preparation for trial. Accordingly, all of the following responses are provided without prejudice to Respondent's right to supplement or amend discovery responses as permitted by the applicable rules, or introduce at trial any evidence that is subsequently discovered relating to proof of presently known facts and to produce and introduce all evidence whenever discovered relating to the proof of subsequently discovered material facts. Moreover, facts, documents and things now known may be imperfectly understood and accordingly such facts, documents, and things may not be included in the following responses. Respondent reserves the right to reference, discover or offer into evidence at the time of trial any

and all facts, documents, and things which it does not presently recall but may recall at some time in the future.

SUPPLEMENTAL RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 3: Identify each person you intend to call to testify in your case in chief.

RESPONSE TO INTERROGATORY NO. 3: Respondent has not completed its preparation for the hearing in this matter and has not yet determined each and every person it intends to call in the case in chief. Respondent will supplement this response as required.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3: Respondent reiterates and incorporates by reference its original response to Interrogatory No. 3. Without waiver of or prejudice to the foregoing response, Respondent anticipates calling the following individuals:

Todd Ondra

Robb Tice

Rob Fisher

Respondents reserve the right to modify and/or supplement this list with additional witnesses. Respondent also reserves the right to call any individual identified by Complainant or otherwise identified during discovery.

INTERROGATORY NO. 4: Identify each person you might call to testify in your rebuttal case.

RESPONSE TO INTERROGATORY NO. 4: Respondent has not completed its preparation for the hearing in this matter and has not yet determined each and every person it intends to call in the case in chief. Respondent will supplement this response as required.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4: Respondent reiterates and incorporates by reference its original response to Interrogatory No. 4. Without waiver of or prejudice to the foregoing response, Respondent cannot reasonably anticipate whom it may call in rebuttal, as the need for rebuttal will necessarily be shaped by the testimony during the case in chief. Respondent reserves the right to call any individual identified herein, identified by Complainant or otherwise identified during discovery in its rebuttal case.

Respectfully submitted,

s/ David P. Knox
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CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2015, a copy of the foregoing **Respondent Federal Express Corporation's Supplemental Responses to Complainant's First Set of Interrogatories** was served upon the following via email and Federal Express overnight letter, postage prepaid:

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s/ David P. Knox
David P. Knox
Federal Express Corporation

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