

IN THE CIRCUIT COURT OF WASHINGTON COUNTY, ARKANSAS
CIVIL DIVISION

MICK WAGNER

PLAINTIFF

vs.

NO. 72CV 25-2686-1

THE CITY OF TONTITOWN, ARKANSAS and
ANGELA RUSSELL, MAYOR OF TONTITOWN ARKANSAS
In her official capacity

DEFENDANTS

DEFENDANT'S RESPONSE TO PLAINTIFF'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

COMES NOW the Defendant, by and through its attorney, R. Justin Eichmann, and for its responses to Plaintiff's Interrogatories and Requests for Production of Documents, state as follows:

INTERROGATORY NO. 1: Please identify and provide addresses and telephone numbers for each person or entity answering or consulted with in the answering of these interrogatories and requests.

RESPONSE NO. 1:

1. Megan Dunaway – 479-361-2700 - 235 E Henri De Tonti BLVD, Tontitown, AR 72770
2. Mayor Angela Russell – 479-361-2700 - 235 E Henri De Tonti BLVD, Tontitown, AR 72770

INTERROGATORY NO. 2: Please identify all persons now known to you to have knowledge of the allegations raised in the Plaintiff's Complaint and Supplemental Complaint, or your Answers to those pleadings. For each person, please state:

- a. The person's name;
- b. His or her daytime address, daytime telephone number and email address(es); and
- c. A summary of the facts you believe he or she knows.

RESPONSE NO. 2:

1. a. Megan Dunaway
 - b. 479-361-2700; adminasst@tontitownar.gov; 235 E Henri De Tonti BLVD, Tontitown, AR 72770
 - c. Helped handle and responded to FOIA requests
2. a. Mayor Angela Russell
 - b. 479-361-2700; mayor@tontitownar.gov; 235 E Henri De Tonti BLVD, Tontitown, AR 72770
 - c. Helped handle and responded to FOIA requests
3. a. LuAnn Jenison
 - b. 479-361-2700; cityadmin@tontitownar.gov; 235 E Henri De Tonti BLVD, Tontitown, AR 72770
 - c. Helped handle and responded to FOIA requests
4. a. Brad Spurlock
 - b. 479-361-2700; bspurlock@tontitownar.gov; 235 E Henri De Tonti BLVD, Tontitown, AR 72770
 - c. Helped handle and responded to FOIA requests
5. a. Patrick Pinalto
 - b. 479-361-2700; accounting@tontitownar.gov; 235 E Henri De Tonti BLVD, Tontitown, AR 72770
 - c. Helped handle and responded to FOIA requests
6. a. James Clark

b. 479-361-2700; pwdirector@tontitownar.gov; 235 E Henri De Tonti BLVD, Tontitown,
AR 72770

c. Helped handle and responded to FOIA requests

7. a. Madelyn Parker

b. 479-361-2700; mparker@tontitownar.gov; 235 E Henri De Tonti BLVD, Tontitown,
AR 72770

c. Helped handle and responded to FOIA requests

8. a. Jamie Malone

b. Unknown

c. Prior to leaving the position, she helped handle and responded to FOIA requests

9. a. Gregg Lloyd

b. 11146 Devin Ct., Plantersville, TX 77363-8191

c. Gregg was the City's IT contractor and helped the City employees respond to FOIA requests

INTERROGATORY NO. 3: Please identify the witnesses you expect to call at the trial or hearing of this cause. Please differentiate between transactional and expert witnesses. Please provide the address and home and work telephone numbers for each such witness. For each witness, please provide a brief factual summary of his or her expected testimony. For each designated expert witness, please provide a copy of the expert's resume or curriculum vitae and a copy of any report produced in connection with this litigation. This interrogatory does not seek to make you provide information protected by any applicable legal privilege.

RESPONSE NO. 3: Defendant objects to this response as it is premature. Defendant has not yet decided which persons may testify at the trial or hearing of this action. Without waiving

the foregoing objection, Defendant is currently aware of the following persons who are or may be responsive to this Interrogatory:

- a. Megan Dunaway: 479-361-2700 - 235 E Henri De Tonti BLVD, Tontitown, AR 72770; Megan has general knowledge of the FOIA requests made by the Plaintiff and she helped respond to such FOIA requests.
- b. Mayor Angela Russell: 479-361-2700 - 235 E Henri De Tonti BLVD, Tontitown, AR 72770; Mayor Russell helped handle and responded to FOIA requests made by the Plaintiff.
- c. LuAnn Jenison: 479-361-2700 - 235 E Henri De Tonti BLVD, Tontitown, AR 72770; LuAnn helped handle and responded to FOIA requests made by the Plaintiff.
- d. Brad Spurlock: 479-361-2700 - 235 E Henri De Tonti BLVD, Tontitown, AR 72770; Brad helped handle and responded to FOIA requests made by the Plaintiff.
- e. Patrick Pinalto: 479-361-2700 - 235 E Henri De Tonti BLVD, Tontitown, AR 72770; Patrick helped handle and responded to FOIA requests made by the Plaintiff.
- f. James Clark: 479-361-2700 - 235 E Henri De Tonti BLVD, Tontitown, AR 72770; James helped handle and responded to FOIA requests made by the Plaintiff.
- g. Madelyn Parker: 479-361-2700 - 235 E Henri De Tonti BLVD, Tontitown, AR 72770; Madelyn helped handle and responded to FOIA requests made by the Plaintiff.
- h. Jamie Malone: phone number and address unknown; prior to leaving her position with the City of Tontitown, Jamie helped handle and responded to FOIA requests made by the Plaintiff.

- i. Gregg Lloyd: phone number unknown; 11146 Devin Ct., Plantersville, TX 77363-8191; Gregg was the City's IT contractor and assisted with fulfilling FOIA requests made by the Plaintiff.

INTERROGATORY NO. 4: Please list and identify, individually, piece by piece, each and every tangible object, document, recording, audio or video tape, photograph, compact disc, electronic media and/or other data compilation of any kind whatsoever you intend to rely upon at the trial of this matter. For each such object, please also state:

- a. The person who prepared or made the object in its present form;
- b. The person who currently possesses the object;
- c. Whether you intend to introduce the object as an exhibit at trial, and
- d. The witness listed in your response to interrogatory no. 2 above you expect to lay the foundation for the exhibit at trial. This interrogatory does not seek to make you provide information protected by any applicable legal privilege.

RESPONSE NO. 4: Defendant objects to this interrogatory as it is premature. Defendant has not yet ascertained which documents, evidence, or exhibits it will utilize upon the trial of this action. Without waiving the foregoing objection, the Defendant currently anticipates the need for the following:

- a. Any and all FOIA requests submitted by the Plaintiff to the Defendant.
- b. Any and all documents produced in response to the FOIA requests submitted by the Plaintiff to the Defendant.
- c. Any and all other written correspondence or communication between the Plaintiff and the Defendant.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 1: Please produce copies of all objects and documents listed in your response to the preceding interrogatory together with your answers to these interrogatories. If such production is impractical, please notify Plaintiff's attorney of a time and place where he may have reasonable access to these objects and documents.

RESPONSE TO REQUEST NO. 1: Defendant objects to this Request as it is premature. Defendant has not yet ascertained which documents, evidence, or exhibits it will utilize upon the trial of this action. Without waiving the foregoing objection, the response to Plaintiff's FOIA requests that are of issue in this litigation include tens of thousands of documents. Defendant is providing with this discovery a Dropbox link with all documents and other evidence currently in the possession of Defendant and will supplement this Discovery as additional documents are discovered or obtained.

INTERROGATORY NO. 5: Do the documents- "soft-deleted emails" -the Plaintiff referred to in Exhibit No. 7 to his Complaint filed on June 19, 2025 ("Original Complaint"), still exist in any form, on any device, server or cloud-based storage that you control?

RESPONSE NO. 5: Defendant objects to this interrogatory, particularly the term "in any form" as it is overly broad and unclear. Without waiving the foregoing objection, the email correspondence dated December 26, 2024, included as Exhibit No. 7 to the Plaintiff's Complaint, indicate that the City's IT contractor was not able to recover the "soft-deleted" emails. Plaintiff's request encompassed thousands of emails, and through diligent searches and inquiries to the City's IT contractors, it has been verified on several occasions that the "soft-deleted" emails are not recoverable.

INTERROGATORY NO. 6: If the answer to Interrogatory No. 5 is "yes," please state:

- a. The date you provided the Plaintiff access to those documents;

- b. The person or persons who provided the Plaintiff access to those documents; and
- c. The manner in which the documents the Plaintiff requested were delivered (email, picked up in person, electronic media, etc.).

RESPONSE NO. 6: N/A.

INTERROGATORY NO. 7: If the answer to Interrogatory No. 5 is “no,” then for each “soft-deleted email”, please state:

- a. The date the email was permanently and irretrievably deleted;
- b. The person directing the permanent and irretrievable deletion of the email; and
- c. The reason each email was permanently and irretrievably deleted.

RESPONSE NO. 7: Defendant objects to this interrogatory as it is unclear. Without waiving the foregoing objection, Defendant states that it has previously provided log records to the Plaintiff that include the information requested in this interrogatory.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 2: If any of the documents referred to in Interrogatory No. 5 still exist in any form, please produce complete copies of the same together with your answers to these interrogatories. If such production is impractical, please notify Plaintiff’s attorney of a time and place where he may have reasonable access to these objects and documents.

RESPONSE TO REQUEST NO. 2: Defendant objects to this request, particularly to the phrase “still exist in any form,” as it is unclear. The log records previously provided to the Plaintiff indicate which documents were not recoverable. Without waiving the foregoing objection, Defendant states that all documents responsive to Plaintiff’s November 4, 2024 FOIA request were provided via email with a Dropbox link on January 17, 2025 and January 23, 2025, and are provided with this discovery.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 3: If any of the documents referred to in Interrogatory No. 5 have been permanently and irretrievably deleted, please produce complete copies of each and every document, written communication or other record relating to such deletion together with your answers to these interrogatories. If such production is impractical, please notify Plaintiff's attorney of a time and place where he may have reasonable access to these objects and documents.

RESPONSE TO REQUEST NO. 3: Defendant objects to this request, as it is asking for production of documents that do not exist. Without waiving the foregoing objection, as indicated in the previous responses, the log previously provided to the Plaintiff includes the information regarding these documents.

INTERROGATORY NO. 8: Do the documents the Plaintiff referred to in Exhibit No. 3 to his Supplemental Complaint filed on August 4, 2025 ("Supplemental Complaint"), still exist in any form, on any device, server or cloud-based storage that you control?

RESPONSE NO. 8: Yes.

INTERROGATORY NO. 9: If the answer to Interrogatory No. 8 is "yes," please state:

- a. The date you provided the Plaintiff access to those documents;
- b. The person or persons who provided the Plaintiff access to those documents; and
- c. The manner in which the documents the Plaintiff requested were delivered (email, picked up in person, electronic media, etc.).

RESPONSE NO. 9: Plaintiff's FOIA request via email to the City on July 24, 2025 did not request the information that the City provided to Bobby Russell as referred to in Exhibit No. 3 of the Plaintiff's Supplemental Complaint. The request asked for the "updated list of any FOIA

requests in the spreadsheet format,” and this information was provided on July 24, 2025 and is attached to the Amended Complaint.

INTERROGATORY NO. 10: If the answer to Interrogatory No. 8 is “no,” then for each document, please state:

- a. The date the document was permanently and irretrievably deleted;
- b. The person directing the permanent and irretrievable deletion of the document; and
- c. The reason each document was permanently and irretrievably deleted.

RESPONSE NO. 10: N/A.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 4: If any of the documents referred to in Interrogatory No. 8 still exist in any form, please produce complete copies of the same together with your answers to these interrogatories. If such production is impractical, please notify Plaintiff’s attorney of a time and place where he may have reasonable access to these objects and documents.

RESPONSE TO REQUEST NO. 4: The documents provided to Bobby Russell in response to his June 10, 2025 FOIA request are provided with this discovery.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 5: If any of the documents referred to in Interrogatory No. 8 have been permanently and irretrievably deleted, please produce complete copies of each and every document, written communication or other record relating to such deletion together with your answers to these interrogatories. If such production is impractical, please notify Plaintiff’s attorney of a time and place where he may have reasonable access to these objects and documents.

RESPONSE TO REQUEST NO. 5: N/A.

INTERROGATORY NO. 11: Do you contend that you have completely responded to the Plaintiff's FOIA request dated July 24, 2025? If the answer is "yes", please state:

- a. The date you completely responded;
- b. The person or persons who responded at all to the Plaintiff's July 24, 2025 FOIA request; and
- c. The manner in which the documents the Plaintiff requested were delivered (email, picked up in person, electronic media, etc.).

RESPONSE NO. 11: Defendant responded to the first item requested by the Plaintiff via email with a Dropbox link on July 24, 2025. However, Defendant requested additional information from Plaintiff to adequately fulfill the request, and Plaintiff did not provide the requested information. Plaintiff's request encompassed tens of thousands of emails that would have to be reviewed and redacted. Defendant's attorney contacted Plaintiff's attorney on July 29, 2025 via email regarding the scope and volume of this request. Plaintiff's attorney did not respond to this communication and instead filed suit.

REQUEST FOR PRODUCTION OF DOCUMENTS NO. 6: To the extent not produced in response to the above Requests for Production produce any documents, email correspondence, text messages, memoranda, minutes of meetings, or records of any kind, that you currently possess, control or have created, relating to the Plaintiff from January 1, 2024 to the date of your responses to these interrogatories and requests for production of documents.

RESPONSE TO REQUEST NO. 6: Defendant provides with this discovery all documents and other evidence currently in the possession of Defendant and will supplement this Discovery as additional documents are discovered or obtained. Regarding the documents related to Plaintiff's July 24, 2025 FOIA request, it would take countless months and manpower to be able to review

and redact every email that was initially requested. Defendant would be willing to provide the requested information in an unredacted form if the Plaintiff agreed to a protective order regarding these documents.

INTERROGATORY NO. 12: Pursuant to the spirit of the Arkansas Rules of Civil Procedure, you are requested to treat the foregoing interrogatories and requests as continuing, and to supplement your answers reasonably. Will you do so without further requests?

RESPONSE NO. 12: Yes. The Defendant reserves the right to amend or supplement these responses as discovery progresses.

Respectfully submitted,
DEFENDANT

BY: /s/ R. Justin Eichmann
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CERTIFICATE OF SERVICE

I, R. Justin Eichmann, hereby certify that on this, the 27th day of October, 2025, a true and correct copy of the above and foregoing has been served upon Steven S. Zega, counsel for the Plaintiff, by email.

/s/ R. Justin Eichmann
R. Justin Eichmann, Ark. Bar No. 2003145