

## REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS

Comes now, the Plaintiff, by counsel, pursuant to Rule 34(A) of the Rules of Civil Procedure, and requests the Defendants to produce the documents and tangible things described below within thirty (30) days of service hereof.

### Instructions

A. You are to supplement your responses to the following Requests for Production of documents and tangible things in accordance with Rule 26(E).

B. You should organize the documents and tangible things you produce in response to the following requests by organizing the documents and tangible things to relate to each request.

C. If you object to or otherwise decline to respond to any request for production of documents, provide all documents requested by the portion of the request to which you do not object.

### Definitions

A. As used herein, “you”, “your”, and “Cedarville University” mean the Defendants, Cedarville University, its trustees, employees (including Dr. Chris Miller, Dr. William Brown, Dr. Robert Milliman), agents, representatives, attorneys, and all other persons acting or purporting to act on their behalf.

B. As used herein, “Hoffeditz” means the Plaintiff, David M. Hoffeditz, Ph.D.

C. As used herein, the terms “document” or “documents” mean each and every writing or record of every type and description, however produced or reproduced, whether draft or final, original or reproduction, signed or unsigned, that is in the possession or custody or

under the control of Cedarville University or any attorney or agent of Cedarville University, or to which Cedarville University has access, regardless of where located, existing in paper form or electronically, and includes, but is not limited to, correspondence, letters, ledger sheets, contracts, negotiable instruments, agreements, memoranda, reports, notes, memoranda of telephone conversations or personal conversations, diaries, calendars, telegrams, summaries, stenographic or written notes, ledgers, invoices, bills, receipts, bank deposit slips, bank account statements of account, checks, checkbooks, charts, graphs, drawings, diagrams, worksheets, studies, bulletins, notices, instructions, books, manuals, pamphlets, periodicals, journals, logs, photographs, microfiche, microfilm, telephone records, tape recordings, movies, electronic mail, electronic calendars, electronic address or contact list files, computerized databases, computerized spreadsheet files, computerized word processing files, PDA files (Personal Digital Assistant, including but not limited to Palm, Handspring, or other similar handheld computing device), insurance policy application forms, insurance policy rate books, policyholder lists, all tangible property that originated with the Plaintiff, or other data compilations from which information can be obtained and all material similar to any of the foregoing, however denominated and by whomever prepared and to whomever addresses, or any other document or thing subject to production under Rule 34. Any document bearing notations, markings, or writings of any kind different from the original shall be treated as an original document.

#### Requests for Production

1. Any documents referencing the qualifications and work performance of David M. Hoffeditz, ("Hoffeditz"), between and including the date of his initial hire to the present, including but not limited to:

- a. Any document referencing Hoffeditz's work performance and compensation, recommended and actual compensation, including personnel records, intra-company communications, departmental records, or personal records of an individual or supervisor at any level.
  - b. Any document referencing Hoffeditz's title, duties, and responsibilities as an employee of Cedarville University, including personnel records, intra-company communications, departmental records, or personal records of an individual or supervisor at any level.
  - c. Any record, of a communication or personal observation referencing a work-related complaint, formal or informal, by any employee against Hoffeditz, including personnel records, intra-company communications, departmental records, or personal records of an individual or supervisor at any level.
2. The complete personnel file of Hoffeditz, including the folder in which it is kept.
  3. The entire contents of any file maintained by the Provost and/or Academic Vice President, including a copy of the folder in which such file is kept, which contains any documents relative to any one of the following items:
    - a. the classroom performance of Hoffeditz;
    - b. promotions or denials thereof for Hoffeditz;
    - c. opportunities and/or consideration for tenure of Hoffeditz;
    - d. peer-reviewed scholarship of Hoffeditz;
    - e. student evaluations of Hoffeditz;
    - f. faculty evaluations of Hoffeditz;

- g. publications of Hoffeditz;
- h. pay increases for Hoffeditz;
- j. correspondence from or to the Provost and/or Academic Vice President in which Hoffeditz is a topic of discussion.

4. The entire contents of any file maintained by the President, including a copy of the folder in which such file is kept, which contains any documents relative to any one of the following items:

- a. the classroom performance of Hoffeditz;
- b. promotions or denials thereof for Hoffeditz;
- c. opportunities and/or consideration for tenure of Hoffeditz;
- d. peer-reviewed scholarship of Hoffeditz;
- e. student evaluations of Hoffeditz;
- f. faculty evaluations of Hoffeditz;
- g. publications of Hoffeditz;
- h. pay increases for Hoffeditz;
- i. correspondence from or to the President in which Hoffeditz is a topic of discussion.

5. The entire contents of any file maintained by the Dean of the School of Biblical and Theological Studies, including a copy of the folder in which such file is kept, which contains any documents relative to any one of the following items:

- a. the classroom performance of Hoffeditz;
- b. promotions or denials thereof for Hoffeditz;

- c. opportunities and/or consideration for tenure of Hoffeditz;
- d. peer-reviewed scholarship of Hoffeditz;
- e. student evaluations of Hoffeditz;
- f. faculty evaluations of Hoffeditz;
- g. publications of Hoffeditz;
- h. pay increases for Hoffeditz;
- i. correspondence from or to the Dean of the Department in which Hoffeditz is a topic of discussion.

6. The entire contents of any file maintained by the Chairperson of the Department of Biblical Studies, or any other Department Chairperson including a copy of the folder in which such file is kept, which contains any documents relative to any one of the following items:

- a. the classroom performance of Hoffeditz;
- b. promotions or denials thereof for Hoffeditz;
- c. opportunities and/or consideration for tenure of Hoffeditz;
- d. peer-reviewed scholarship of Hoffeditz;
- e. student evaluations of Hoffeditz;
- f. faculty evaluations of Hoffeditz;
- g. publications of Hoffeditz;
- h. pay increases for Hoffeditz;
- i. correspondence from or to the Chairperson in which Hoffeditz is a topic of discussion.

7. The entire contents of any file maintained by the Promotions and/or Tenure Committee of Cedarville University, including a copy of the folder in which such file is kept, which contains any documents relative to any one of the following items:

- a. the classroom performance of Hoffeditz;
- b. promotions or denials thereof for Hoffeditz;
- c. opportunities and/or consideration for tenure of Hoffeditz;
- d. peer-reviewed scholarship of Hoffeditz;
- e. student evaluations of Hoffeditz;
- f. faculty evaluations of Hoffeditz;
- g. publications of Hoffeditz;
- h. pay increases for Hoffeditz;
- i. correspondence from or to the Promotions and/or Tenure Committee in which Hoffeditz is a topic of discussion.

8. Any supervisory handbook, training manual or other type of instruction given to, utilized by, or relied upon by the University in hiring, firing and promotion decisions.

9. Any handbook, training manual, policy manual, or other type of written instructions, given to, utilized by, or relied upon by any supervisor of Cedarville University in the hiring, firing and promotion decisions.

10. Copies of all written policies, procedures, and training materials, and all other documents where such policies, procedures, and training materials are contained, such as employee handbooks.

11. Copies of any complaint, formal or informal, received by Cedarville University within the last five (5) years which contained allegations against Hoffeditz by any administrator of Cedarville University or one of its employees.

12. Copy of the personnel file and all documents related to promotion for each faculty member who was promoted, or given a pay increase greater than that given to the Plaintiff since his initial hire date to present.

13. Copy of the personnel file and all documents related to committee assignments given to departmental staff or faculty in the given to other members of Hoffeditz's Department since the initial hiring of plaintiff until the present.

14. Copy of the personnel file and all documents related to pay increases or denial thereof for each individual who was employed in the same faculty position as Plaintiff from the date of his initial hire until present.

15. Copies of all written policy and procedures concerning promotion and job qualifications for the position of Associate Professor, and Full Professor including but not limited to employee rating criteria, record keeping requirements, collective bargaining agreements, employee handbooks and job descriptions.

16. Copies of all selection devices utilized in promotion decisions to Associate Professor and to Full Professor.

17. Copies of all selection devices utilized in office assignments.

18. Copies of all selection devices utilized in pay raise.

19. Copies of all documents utilized in the determination of faculty contract renewals from Plaintiff's date of hire to the present.

20. Any and all documents containing upper management review procedures of contract renewal decisions.

21. Any and all documents containing upper management review procedures of office assignments.

22. Any and all documents containing grievance procedures available to applicants rejected for retention..

23. Any and all documents containing grievance procedures available to applicants rejected for promotion.


24. Copies of list of all faculty retained by Cedarville University during the academic year. Include in your response all documents which in any way relate to the retention decision of Hoffeditz.

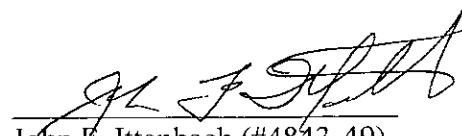
25. Copies of all documents or other forms utilized by any individual in making the decision to terminate Hoffeditz's employment at Cedarville University.

26. The entire contents of any file maintained by the Grievance Investigation Panel of Cedarville University, which involved Hoffeditz, including a copy of the folder in which such file is kept, including all documents received, generated by, or recordings made by the Panel.

27. The curriculum vitae of any identified expert you intend to utilize in defense of the claims of Plaintiff.

Respectfully submitted,

  
Mark S. Miller (#71368)  
*Attorney for Plaintiff*

  
John F. Ittenbach (#4843-49)  
*Attorney for Plaintiff*