

UNITED STATES OF AMERICA
BEFORE THE DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

Alan J. Davidson
RECV'd FOR
OGC
31 JUL 02
HLL

HUGH B. KAUFMAN)
Complainant,)
v.)
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

Case No. 2002-CAA-22

COMPLAINANT'S FIRST NOTICE TO TAKE
DEPOSITION UPON ORAL EXAMINATION
AND FOR PRODUCTION OF DOCUMENTS

Complainant, pursuant to Rule 30(b), Federal Rules of Civil Procedure, and 29 C.F.R. § 18.13-18.22, Rules of Practice and Procedure for Administrative Hearings before the Office of Administrative Law Judges, hereby provides notice that commencing on the dates set forth herein the following depositions shall be conducted:

1. Christine Todd Whitman: August 8, 2002 at 9:00 a.m.
2. Emmett D. Dashiell, Jr.: August 9, 2002 at 9:00 a.m.
3. Robert Fabricant August 20, 2002 at 9:00 a.m.
4. Gary L. Johnson August 21, 2002 at 9:00 a.m.
5. Thomas Voltaggio August 22, 2002 at 9:00 a.m.
6. Jane Kenny August 23, 2002 at 9:00 a.m.
7. Kathleen Callahan August 26, 2002 at 9:00 a.m.
8. Jack McGraw August 27, 2002 at 9:00 a.m.
9. Nikki Tinsley August 28, 2002 at 9:00 a.m.
10. Custodian of Records: Produce all documents requested in this Notice and answer any questions related to the location of documents referenced in this notice. This deposition shall commence on August 30, 2002 at 9:00 a.m.
11. Official Representative(s) of the U.S. EPA who were responsible for and/or have first hand knowledge of any matters referenced in the letter from Richard D. Soltan, the

Regional Administrator, U.S. Department of Labor, Office of Occupational Safety and Health Administration, dated July 12, 2002. This deposition shall commence at 9:00 a.m. on September 4, 2002 and shall continue, from day to day, until completed.

12. Official Representative(s) of the U.S. EPA who were responsible for and/or have first hand knowlege of any matters referenced in the two complaints filed in this matter by Mr. Kaufman, dated April 3, 2001 and May 2, 2001. This deposition shall commence at 9:00 a.m. on September 5, 2002 and shall continue, from day to day, until completed.

The Official Representative(s) should be able to answer all questions related to the OSHA letter and/or the two complaints referenced above.

All of the deponents shall bring to their deposition any and all documents related in any manner to the complainant and the subject matter(s) of the two complaints referenced above. Additionally, each deponent shall bring to his or her deposition any document directly or indirectly related to the following:

1. Hugh Kaufman;
2. EPA Office of Inspector General report No. 2002-0003;
3. The complete work product (including, but not limited to all exhibits) from EPA Office of Inspector General report No. 2002-0003;
4. Any e-mail on any computer used by or on behalf of any deponents which contain the names and/or reference any of the following persons: Hugh Kaufman, Robert Martin and/or which uses the word ombudsman and/or chief investigator.
5. Any e-mail on any computer used by or on behalf of any

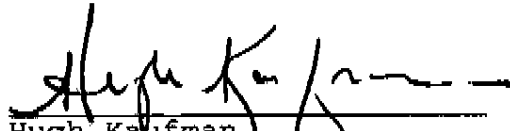
deponents which contain the name and/or reference any of the following persons: Senators Wayne Allard, Mike Crapo, Larry Craig, Rick Santorum, Arlen Specter, Jim Jeffords, Charles Grassley, Congressman Mike Bilirakis, Billie Tauzin, Jerry Nadler, Don Sherwood, Charles Norwood, Diana Degette and/or any other senator, congressman and/or congressional staff member who has had any contact with the EPA on any matter whatsoever related to Hugh Kaufman and/or the work of the Ombudsman's office.

6. All documents directly or indirectly related to the Solid and Hazardous Waste Ombudsman.

In accordance with 29 C.F.R. 18.19, the respondent shall produce all documents referenced in and/or requested in this notice at 9:00 a.m. August 30, 2002 at 3238 P Street, N.W. Washington, D.C. 20007. For the purposes of this deposition, **documents** shall mean every instrument or device by which, through which or on which information has been recorded including those reflecting meetings, discussions or conversations; notes; letters; drawings; files; graphs; charts; maps; photographs; deeds; studies; data sheets; notebooks; books; emails; drafts; facsimilies; appointment calendars; telephone bills; telephone messages; receipts; vouchers; minutes of meetings; pamphlets; computations; calculations; accounting(s); financial statements; voice recordings; computer printouts; and any device or media on which or through which information of any type is transmitted, recorded or preserved. The term "document" shall also mean every copy of a document when such copy is not an identical duplicate of the original.

The location of the depositions shall be at the first floor conference room located at the law offices of Kohn, Kohn & Colapinto, 3238 P Street, N.W. Washington, D.C. The depositions may be videotaped.

Respectfully submitted,



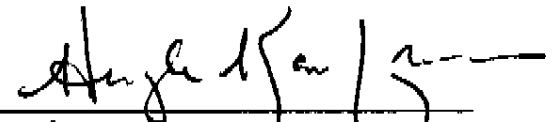
Hugh Kaufman
1219 4th Street, S.W.
Washington, D.C. 20024
(202) 488-3430

Complainant

July 31, 2002

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served by hand upon the Office of General Counsel/Charles G. Starrs, U.S. E.P.A., 1200 Pennsylvania Ave., N.W. Washington, D.C., 20460.

By: 
Hugh Kaufman