

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

MICHAEL ELK,

Plaintiff,

vs.

ZACK LIGHTNING TANNER,  
PITTSBURGH NEWSGUILD, NEWSGUILD  
CWA, JON SCHLEUSS, FATIMA HUSSEIN,  
and STEVE COOK

Defendants.

CIVIL DIVISION

Case No.: GD-21-007428

**FIRST SET OF INTERROGATORIES  
AND REQUESTS FOR PRODUCTION OF  
DOCUMENTS DIRECTED TO  
DEFENDANT JOHN SCHLEUSS**

Filed on Behalf of the Plaintiff:  
Michael Elk

Counsel of Record for This Party:

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**JURY TRIAL DEMANDED**

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AND NOW COMES Plaintiff, Michael Elk, by and through his attorneys, LJK LAW, PLLC, who serve the within Interrogatories and Requests for Production of Documents Directed to Defendant's and requests the same be answered and responded to by Defendant's to and separate from to pursuant to the Pennsylvania Rules of Civil Procedure.

**INSTRUCTIONS AND DEFINITIONS**

The following Interrogatories and Requests for Production of Documents shall be deemed to be continuing and any additional information, including any conclusions, opinions or contentions, that are different from those set forth in the party's answers relating in any way to these Interrogatories and Requests for Production of Documents which the party acquires subsequent to the date of answering these Interrogatories and Requests for Production of Documents and up to and including the date of trial, shall be furnished to counsel for this party promptly after such information is acquired.

Please note the following definitions and instructions are an integral part of these Interrogatories:

A. "Defendant", "Defendants", "Defendant's", "Defendant(s)", "you", and/or "your" shall mean Defendant Zack "Lighting" Tanner, Defendant Pittsburgh Newsguild, Defendant Newsguild CWA, Defendant Jon Schleuss, Defendant Fatima Hussein and Defendant Steve Cook, and/or any employee, agent, member, representative, attorney, or any other person acting on behalf of the Defendant.

B. "Document" shall mean all written, printed or graphic matter of every kind or description, including electronically stored information, however produced or reproduced, whether drafted or final, original or reproduction, signed or unsigned, and regardless of whether approved, signed, sent, received, redrafted, or executed, including, but not limited to, written and electronic communications including e-mail, letters, correspondence, memorandum, minutes, notes, photographs, slides, motion pictures, diagrams, sketches, telegrams, telex messages, tape or sound recordings, recordings of any type, contracts, agreements, purchase or sale orders, records or memorandum of telephone conversations or personal conversations, diaries, calendars, minutes, notes of conferences or meetings, interoffice communications, opinions, hospital and medical records, statistical records, measurements, journals, books, magazines, brochures, newsletters, affidavits, statements, summaries, reports, studies, bills, receipts, logs, checks, checkbooks, invoices, requisitions, computer printouts, worksheets, work papers, personal expense accounts, or material similar to any of the foregoing, however denominated and by whomever prepared and to whomever addressed which are in your possession, custody or control or to which you have, have had, or can obtain access. "Document" shall not include exact duplicates when originals are

available but shall include all copies made different from originals by virtue of any writing or notations thereon.

C. "Person(s)" shall include the singular and plural of any Defendant, natural persons, partnerships, associations, corporations, organizations, governments (including all instrumentalities, officers, agents, and subdivisions thereof) and all other business, legal or artificial entities.

D. If any information and/or document is withheld on the grounds that it is privileged, or that it constitutes an attorney's work product, or for any other reason, please provide a privilege log and identify each such document by stating:

1. the type of document (*e.g.*, letter, memorandum, e-mail, etc.);
2. the date of the document;
3. the name and address of the author of the document;
4. the name and address of each recipient of the document;
5. the general subject matter of the document;
6. the name and address of the custodian of the document and the designation of the file(s) in which the document is located;
7. the precise basis on which the document is being withheld.

E. "Related to" or "relating to" or "involving any given subject" as used herein refers to any documents or oral communications that constitute, deal with, or any way are pertinent to that given subject, including without limitation, documents concerning the preparation of other documents.

F. "Identify" when used with respect to an individual, means to state (1) their name; (2) business affiliation and official title and/or position; and (3) their last known residential and business address.

G. "Identify" when used with respect to a document, means to state (1) the type of document (e.g. letter, memorandum, hand-written note, facsimile, e-mail); (2) its date of origin or creation; (3) its author and addressee; (4) its last known custodian or locations; and (5) a brief description of its subject matter and size. In lieu of identifying any document(s), you may attach a copy of it to your answer, indicating the question to which it is responsive.

H. "Identify" when used with respect to a company or other business entity, means to state, (1) the company's legal name, any former names, and the name under which it trades or does business (2) the address of its principal place of business; and (3) the identity of its chief executive officer.

I. "Sexual Harassment", "Sexual Misconduct" or "Sexual Advancement" shall mean the aberrant, deviant, perverted, harassing and/or abnormal intimate actions taken towards women, more specifically, younger women, by Michael Fuoco during the time that he worked for the Pittsburgh Post Gazette, Adjunct Professor (Point Park/University of Pittsburgh) or as Union President.

J. "Occurrence" or "Occurrences" refers to the assault and battery that occurred on July 31, 2020, September 25, 2020 and October 16, 2020, wherein Defendant Zack "Lighting" Tanner either made terroristic threats and/or punched, struck, kicked, shoved, elbowed or touched Plaintiff without his consent.

K. The term "attack" includes but is not limited to:

- i. Threatening to inflict offensive physical contact or bodily harm on Plaintiff;
- ii. Attempting to inflict improper physical contact or bodily damage on Plaintiff; and
- iii. Hitting, punching, striking, kicking, shoving, or touching Plaintiff without his consent.

L. These interrogatories and requests for production shall be deemed to be continuing so as to require you to supplement your responses in timely fashion upon the discovery or creation of other information responsive to these interrogatories between the times of your initial response hereto and final judicial determination of this action.

#### **INTERROGATORIES DIRECTED TO JOHN SCHLEUSS**

1. Identify all persons who are answering, responding and supplying information to these discovery requests, which would include name, personal address, business address, telephone number, social security number, date of birth, marital status (including date of marriage and/or date of divorce), email address, or other personal or corporate identifying information that may be relevant in this matter.

**ANSWER:**

2. Identify all persons who may have knowledge of facts concerning the allegations in the Complaint or the Answer and state your understanding of their knowledge of facts.

**ANSWER:**

3. Identify all persons with whom Defendant(s) and officers of Defendant(s) have communicated (exclusive of counsel in the instant action) concerning the allegations in the Complaint or the Answer and describe those communications.

**ANSWER:**

4. Identify all persons whom Defendant(s) intends to call as witnesses at trial and give a summary of their anticipated testimony. This is a continuing request and Defendant(s) answer must be updated as discovery progresses.

**ANSWER:**

5. Identify and produce any documents concerning the witnesses identified by Defendant(s) in response to Plaintiff's Interrogatory # 3.

**ANSWER:**

6. For the previous five (5) years before this lawsuit was filed, identify all persons who have made complaints of sexual misconduct or harassment, discrimination, a hostile work environment, or retaliation, against Defendant(s), its employees or officers; also set forth:

- i. the allegations of the complaints in detail; and
- ii. describe, in detail, any action taken by the Defendant(s) or its employees in response to those complaints. (Complaints include verbal complaints,

written complaints, lawsuits, agency filings, and any other means by which employees have complained about sexual misconduct or sexual harassment discrimination or a hostile work environment.)

**ANSWER:**

7. Identify and produce all documents concerning such complaints identified in response to number 7 hereinabove and Defendant(s) response (if any).

**ANSWER:**

8. Set forth in detail which allegations in the Complaint Defendant(s) was aware of prior to the service of the Complaint in this lawsuit, in addition to, stating the employee or employees who were aware of such facts, the source of their knowledge, the facts of which each such employee was aware, and Defendant(s) response to such facts, if any.

**ANSWER:**

9. Identify and produce all documents in Defendant(s) possession concerning the allegations in Complaint or the Answer. Identify the author of each such document and state the demand or demands to which such documents are responsive.

**ANSWER:**



10. Describe all communications of which you are aware concerning the allegations in the Complaint and the Answer.

**ANSWER:**

11. Identify and produce all documents concerning the communications identified in response to number 11 hereinabove and Defendant(s) response (if any).

**ANSWER:**

12. Identify any and all steps that were taken in efforts to investigate and/or authentic Plaintiff's claims concerning the investigation of Fuoco and his sexual misconduct or use of Union Funds to pay personal expenses or entertainment expenses.

**ANSWER:**

13. Identify any and all individuals who participated in any investigation initiated by Plaintiff in response to any complaints of Fuoco's sexual misconduct or harassment and describe the actions of such individuals in detail.

**ANSWER:**

14. Whether or not any defendant is aware that Fuoco commingled or used Union Funds to pay any personal and/or entertainment expenses during his tenure and, if so, what are the facts known and whether or not any discipline was imposed on him for such use. If there are any documents associated with this request, please identify and produce responsive to Plaintiff's request for production of documents.

**ANSWER:**

15. State whether or not defendant was aware that Fuoco was utilizing Union Funds in wooing young interns into a sexual relationship with him? If defendant was aware, please state such facts and whether or not Fuoco was disciplined, whether or not Fuoco was reported to any prosecuting agency and/or whether or not Fuoco was required to repay the Union. If there are any documents associated with this request, please identify and produce responsive to Plaintiff's request for production of documents.

**ANSWER:**

16. Produce all documents concerning any investigation made by Defendant(s) in response to any complaints of Fuoco's sexual misconduct or harassment. Identify the author of each such document.

**ANSWER:**

17. Produce all documents relating to the answer to Plaintiff's hereinabove question #15, including notes, memorandum, informal and formal complaints, e-mails, audio or visual recordings, as well as the documents referred to in your answer to the complaint at paragraph #'s 22, 23, 24, 28, 33,, 34, 35, 36, 37, 38, 39, 42, 43, 45, 46, 48, 49, 50, 51, 64, 75, 76, 84, 92, 93, 94, 96, 100, 101, 102, 103, 104, 105, 108, 133 and 136.

**ANSWER:**

18. For the period 2010 to present, identify all persons employed by Defendant(s) who have been or are responsible for conducting any investigations regarding complaints of sexual misconduct, sexual harassment, discrimination or a hostile work environment. If the person or persons employed by the Defendant(s) relies on any policy, practice or regulation in conducting said investigations, please produce a copy of said policy, practice or regulation in use for the period of 2010 to present.

**ANSWER:**

19. Describe fully in detail and produce all documents concerning investigations conducted by Defendant(s) since 2010 to present date.

**ANSWER:**

20. Describe fully in detail all training provided to Defendant(s) or its employees since 2010 to present regarding the investigation and/or prevention of sexual misconduct, sexual harassment, discrimination, and/or retaliation, and complaint procedures, including the date and place of each such training session.

**ANSWER:**

21. Identify each person who conducted each training session, and the persons who attended, and state whether attendance was mandatory. Please produce a copy of any training materials utilized in the training sessions.

**ANSWER:**

22. Describe fully in detail and produce the complete personnel and disciplinary files for Fuoco, or for each person or employee that was investigated for any type of misconduct, including but not limited to application for employment, resume, attendance records, disciplinary records, performance records, criminal records and documents concerning leaves of absence, qualifications, termination and training. Identify the author of each such document.

**ANSWER:**

23. Describe fully and in detail (including the names and positions of the individuals involved, and the relevant dates) what steps, if any, Defendant(s) took to prevent exposure, injury, harm or damage of the Plaintiff after Plaintiff provided information to the Defendant(s) concerning Fuoco.

**ANSWER:**

24. Describe fully and in detail all facts, circumstances or documents that refer, relate to or reflect Defendant(s) efforts to prevent exposure, injury, harm or damage to Plaintiff for his revelations concerning Fuoco. If Defendant(s) are relying on documentation to answer this interrogatory, please produce a copy of each such document.

**ANSWER:**

25. Describe fully and in detail all facts, circumstances or documents that relate to or concern Defendant(s) decision to disregard Plaintiff and his revelations concerning Fuoco. If Defendant(s) are relying on documentation to answer this interrogatory, please produce a copy of each such document.

**ANSWER:**

26. Describe fully and in detail all facts, circumstances or documents including any communications, whether oral, written or electronically stored information via emails, faxes, messages, or other electronic means, from or to Fuoco, concerning Defendant(s) or employees who have repudiated or rebuffed his sexual harassment, sexual misconduct or sexual advances. If Defendant(s) are relying on documentation to answer this interrogatory, please produce a copy of each such document.

**ANSWER:**

27. Describe fully and in detail all facts, circumstances or documents referencing communications, whether oral or written including electronically stored information via emails, faxes, messages and other electronic means, from or to Fuoco that contain any sexual language including but not limited to the following words and phrases: eat, eats, bite, bites, suck, sucks, fuck, fucks, nibble, nibbles, gobble, gobbles, chew, chews, taste, tastes, finger, fingers, finger haripie, finger fuck, screw, screws, blowjob, blowjobs, head, oral, lick, licks, hand, hands, hand-job, ass,

tit, tits, cunt, cunts, pussy, pussies, dick, dicks, cock, cocks, slut, sluts, bitch, bitches, skank, skanks, clit(oris), clits(orises), balls, ball-sack, nuts, testicles, hummer, hummers, whore, whores, slut, sluts, porn, porno, pornography, dildo, dildos, anal, milf, milfs, dilt, dilts, orgy, orgies, sex, sexy, sexual, sexual harassment or sexual misconduct, sexual misconduct, vagina, penis, butt, butthole, and hole.

**ANSWER:**

28. Describe fully and in detail all facts, circumstances or documents including communications, whether oral, written, or electronically stored via emails, faxes, messages and other electronic means, from or to Fuoco that contain any sexual images.

**ANSWER:**

29. Describe fully and in detail all facts, circumstances or documents including any communications, whether oral, written or electronically stored via emails, faxes, messages or other electronic means, concerning Fuoco which was sent to or from anyone in Defendant(s) Department of Human Resources or a like and comparable division or Defendant(s) that concerned complaints about Fuoco's conduct.

**ANSWER:**

30. For the entire period of Plaintiffs employment relationship with Defendant(s), provide a copy of each document in Plaintiffs personnel file, including, but not limited to, his employment application, resume, attendance and earnings records, job performance evaluations, disciplinary records and documents relating to any matters alleged in the Complaint.

**ANSWER:**

31. For the entire period of Plaintiffs employment relationship with Defendant(s), and excluding the personnel file of Plaintiff, state whether Defendant(s) or any of its employees has possession or control of any documents or files that contain information about Plaintiff. If the answer is in the affirmative, identify each employee who possesses or controls such document(s) or file(s) and provide copies of each. State the source, location, and custodian of each document.

**ANSWER:**

32. For the entire period of his employment relationship with Defendant(s), provide a copy of each document in the personnel file of Fuoco, including, but not limited to, job performance evaluations, disciplinary records, and documents relating to any matters alleged in the Complaint.

**ANSWER:**



33. Identify and provide copies of any documents reflecting, referring or relating to complaints of sexual harassment or sexual misconduct made by any of Defendant(s) or Defendant(s) employees or former employees, against Fuoco.

**ANSWER:**

34. Identify and provide copies of any personnel policies, handbooks, agreements, guidelines, and any other documents that reflect, refer or relate to Defendant(s) sexual harassment or sexual misconduct policies, regulations and procedures from 2010 to present. If Defendant(s) amended the policies, regulations and procedures during these periods, Plaintiff requests, an exact copy of each policy, regulation or procedure at the time which it was in effect in addition to any amendments thereto.

**ANSWER:**

35. Identify and provide copies of any personnel policies, handbooks, agreements, guidelines, and any other documents that reflect, refer or relate to Defendant(s) sexual harassment or sexual misconduct policies, regulations and procedures in effect when the alleged sexual harassment or sexual misconduct occurred.

**ANSWER:**

36. To the extent not produced in response to a preceding discovery request, identify and provide copies of any documents reflecting, referring or relating to any company policy, regulation or procedure, in effect at the time of Fuoco's investigation and subsequent resignation/termination, which prohibited releasing personal identifying information concerning any informant, source or whistle-blower.

**ANSWER:**

37. To the extent not produced in response to a preceding discovery request, identify and provide copies of any documents reflecting, referring or relating to any company policy, regulation or procedure in effect when the sexual harassment or sexual misconduct occurred, prohibiting retaliation against an employee for reporting sexual harassment or sexual misconduct.

**ANSWER:**

38. To the extent not identified and produced in response to the preceding discovery request, identify and provide copies of any documents reflecting, referring or relating to Defendant(s) current complaint procedures for reporting incidents of sexual harassment or sexual misconduct.

**ANSWER:**

39. To the extent not identified and produced in response to a preceding discovery request, identify and provide copies of any documents reflecting, referring or relating to Defendant(s) complaint procedures for reporting incidents of sexual harassment or sexual misconduct in effect when the alleged sexual harassment or sexual misconduct occurred.

**ANSWER:**

40. If, during the period that the alleged harassment or misconduct occurred, Defendant(s) has been party to a collective bargaining agreement that includes a complaint procedure for sexual harassment or sexual misconduct provide copies of the agreement(s) or complaint procedure(s).

**ANSWER:**

41. Identify any lawsuits or administrative agency charges of sexual harassment or sexual misconduct, discrimination, hostile work environment, which a Defendant(s) or employee alleged that Defendant(s) sexual harassment or sexual misconduct policy or sexual harassment or sexual misconduct complaint procedure was inadequate.

**ANSWER:**

42. Identify and provide copies of all documents reflecting, referring or relating to Defendant(s) policies, regulations and procedures, currently in effect, regarding the posting or publication of Defendant(s) sexual harassment or sexual misconduct policy on the company's premises, website or other conspicuous place.

**ANSWER:**

43. Identify and provide copies of all documents reflecting, relating or referring to Defendant(s) policies, regulations and procedures, in effect when the alleged harassment/misconduct occurred, regarding the posting or publication of Defendant(s) sexual harassment or sexual misconduct misconduct policy on the company's premises, website or other conspicuous place.

**ANSWER:**

44. To the extent not identified in a preceding discovery request, identify and provide copies of all documents reflecting, referring or relating to Defendant(s). If the answer is in the affirmative, identify each employee who possesses or controls such document(s) or file(s) and provide copies of each. State the source, location, and custodian of each document., currently in effect, regarding the dissemination of Defendant(s) sexual harassment or sexual misconduct policy to its employees or the like.

**ANSWER:**

45. To the extent not identified in a preceding discovery request, identify and provide copies of all documents reflecting, referring or relating to Defendant(s) policies, regulations and procedures, in effect when the alleged harassment occurred, regarding the dissemination of Defendant(s) sexual harassment or sexual misconduct policy to its employees or the like.

**ANSWER:**

46. Identify the individuals who participated in preparing Defendant(s) policies, regulations and procedures, currently in effect, regarding the posting, distributing and/or dissemination of Defendant(s) sexual harassment or sexual misconduct policy.

**ANSWER:**

47. Identify the individuals who participated in preparing Defendant(s) policies, regulations and procedures, in effect at the time of the alleged harassment/misconduct, regarding the posting and/or distribution of Defendant(s) sexual harassment or sexual misconduct policy.

**ANSWER:**

48. Identify and provide copies of any other documents not produced in response to a preceding discovery request reflecting, referring or relating to steps taken by Defendant(s), during the period 2010 to the present, to communicate its sexual harassment or sexual misconduct policy to its employees or the like.

**ANSWER:**

49. Identify and provide copies of all documents reflecting, referring or relating to steps taken by Defendant(s) to monitor the effectiveness of its policy and procedures for posting, distributing or communicating its sexual harassment or sexual misconduct policies.

**ANSWER:**

50. Identify and provide copies of any documents reflecting, referring or relating to sexual harassment or sexual misconduct complaints, formal or informal, made by other employees or independent contractors, during the period 2010 to the present, in which the employee or contractor claimed that s/he was unaware of Defendant(s) sexual harassment or sexual misconduct policy.

**ANSWER:**

51. Identify any lawsuits or administrative agency charges against the Defendant(s) in which an employee alleged that Defendant(s) communication to employees of its sexual harassment or sexual misconduct policy was inadequate.

**ANSWER:**

52. Identify the Defendant(s) or employees, or individuals currently responsible for training with respect to preventing, reporting and/or correcting sexual harassment or sexual misconduct.

**ANSWER:**

53. Identify the Defendant(s) employees, or individuals responsible, as of the time of the alleged sexual harassment or sexual misconduct, for training managers and supervisors regarding preventing, reporting and/or correcting sexual harassment or sexual misconduct.

**ANSWER:**

54. Identify and provide copies of all documents, videotapes, audiotapes, books and other materials currently used to train Defendant(s), employees, or individuals with respect to preventing, reporting and/or correcting sexual harassment or sexual misconduct.

**ANSWER:**

55. Identify and provide copies of all documents, videotapes, audiotapes, books and other materials used at or around the time of the alleged harassment to train Defendant(s), employees, or individuals regarding preventing, reporting and/or correcting sexual harassment or sexual misconduct.

**ANSWER:**

56. Identify the employees or individuals currently responsible for training non-supervisory employees about sexual harassment or sexual misconduct and/or Defendant(s) sexual harassment or sexual misconduct complaint procedure.

**ANSWER:**

57. Identify the employees or individuals responsible, as of the time of the alleged sexual harassment or sexual misconduct, for training non-supervisory employees about sexual harassment or sexual misconduct and/or Defendant(s) sexual harassment or sexual misconduct complaint procedure.

**ANSWER:**



58. Identify and provide copies of all documents, videotapes, audiotapes, books and other materials currently used to train non-supervisory employees about sexual harassment or sexual misconduct and/or Defendant(s) sexual harassment or sexual misconduct complaint procedure.

**ANSWER:**

59. Identify and provide copies of all documents, videotapes, audiotapes, books and other materials used at or around the time of the alleged harassment to train Defendant(s), employees, non-supervisory employees, or individuals about sexual harassment or sexual misconduct and/or Defendant(s) sexual harassment or sexual misconduct complaint procedure.

**ANSWER:**

60. Identify the employees or individuals currently responsible for investigating sexual harassment or sexual misconduct complaints.

**ANSWER:**

61. With respect to any employees identified in response to the preceding discovery request, identify and provide copies of all documents, videotapes, audiotapes, books and other materials used to train these persons about investigatory techniques.

**ANSWER:**

62. Identify the employees or individuals responsible, as of the time of the alleged sexual harassment or sexual misconduct, for investigating sexual harassment or sexual misconduct complaints.

**ANSWER:**

63. With respect to any employees identified in response to the preceding discovery request, identify and provide copies of all documents, videotapes, audiotapes, books and other materials used to train those persons about investigatory techniques.

**ANSWER:**

64. Identify and provide copies of any documents reflecting, referring or relating to policies about the periodic re-training of employees on sexual harassment or sexual misconduct, sexual harassment or sexual misconduct complaint procedures, and/or the investigation of sexual harassment or sexual misconduct complaints.

**ANSWER:**

65. Identify and provide copies of any documents reflecting, referring or relating to steps taken by Defendant(s) to monitor the effectiveness of its sexual harassment or sexual misconduct policies, regulations, procedures and training efforts.

**ANSWER:**

66. Identify all reference materials on the subject of sexual harassment or sexual misconduct policies, regulations and procedures located in Defendant(s) Human Resources offices or library.

**ANSWER:**

**ANSWER:**

67. Identify the titles of journal and periodicals that Defendant(s) Department of Human Resources or like entity subscribed to during the period 2010 to the present.

**ANSWER:**

68. Identify any lawsuits or administrative agency charges in which an employee or individuals alleged that Defendant(s) training of its personnel in the prevention, reporting or correcting of sexual harassment or sexual misconduct was inadequate.

**ANSWER:**

69. Identify and provide copies of all documents, which constitute, reflect, refer, or relate to any oral or written communications between Plaintiff and any of the Defendant(s) its employees or other such individuals with respect to Plaintiffs Fuoco complaints regarding acts of sexual harassment or sexual misconduct.

**ANSWER:**

70. Identify all the Defendant(s), employees or individuals who knew about plaintiffs complaint of sexual harassment or sexual misconduct of Fuoco.

**ANSWER:**

71. Identify all the Defendant(s), employees or individuals whom were aware that Fuoco was a sexual harasser or engaged in sexual misconduct with other Defendant(s), employees or individuals within the arm of the Defendants relation.

**ANSWER:**

72. Identify and provide copies of the job description of the persons identified in response to the previous two discovery requests.

**ANSWER:**

73. Identify and provide copies of all documents, not otherwise produced in response to a preceding discovery requests, which reflect, refer or relate to when person(s) first became aware of Plaintiffs complaints or reports about Fuoco's sexual harassment or sexual misconduct.

**ANSWER:**

74. With respect to each complainant identified in response to the previous interrogatory identify and provide copies of all documents reflecting, referring or relating to any

change in the individual's employment status subsequent to making their complaint (e.g. transfer, promotion, demotion, suspension, termination, resignation).

**ANSWER:**

75. Identify any and all individuals who participated in any investigation made by Defendant(s) of Fuoco's sexual harassment or sexual misconduct.

**ANSWER:**

76. Identify and provide copies of all documents that reflect, refer or relate to any investigation made by Defendant(s) of Fuoco's sexual harassment or sexual misconduct.

**ANSWER:**

77. Identify and produce any photographs taken or reviewed as part of the investigation of Fuoco's sexual harassment or sexual misconduct complaint or investigation.

**ANSWER:**

78. Identify and produce any physical evidence relating to the investigation of Fuoco's sexual harassment or sexual misconduct complaint or investigation.

**ANSWER:**

79. Identify any voice or video surveillance tapes generated or reviewed as part of the investigation of of Fuoco sexual harassment or sexual misconduct.

**ANSWER:**

80. Identify and provide copies of any documents reflecting, referring or relating to credibility determinations of parties or witnesses made as part of the investigation of Fuoco's sexual harassment or sexual misconduct.

**ANSWER:**

81. Identify and provide copies of any documents reflecting, referring or relating to factual or legal determinations made by Defendant(s) with respect to Fuoco's sexual harassment or sexual misconduct.

**ANSWER:**

82. Identify any lawsuits or administrative agency charges in which any employee alleged that the Defendant(s) failed to take adequate remedial action in response to a sexual harassment or sexual misconduct complaint.

**ANSWER:**

83. Identify any voice or video surveillance tapes generated or reviewed as part of the investigation of of Fuoco's sexual harassment or sexual misconduct.

**ANSWER:**

84. Identify and provide copies of any documents reflecting, referring or relating to credibility determinations of parties or witnesses made as part of the investigation of Fuoco's sexual harassment or sexual misconduct.

**ANSWER:**

85. Identify and provide copies of any documents reflecting, referring or relating to factual or legal determinations made by Defendant(s) with respect to Fuoco's sexual harassment or sexual misconduct.

**ANSWER:**



86. Identify and provide copies of any and all documents reflecting, referring, or relating to any complaints or allegations, whether formal or informal, made by any person, at any time, with respect to Fuoco's sexual harassment or sexual misconduct.

**ANSWER:**

87. Identify any lawsuits or administrative agency charges of discrimination in which any person alleged that the Defendant(s) failed to take adequate remedial action in response to Fuoco's sexual harassment or sexual misconduct.

**ANSWER:**

88. List any blogs, forums, or other websites on which you commented regarding the plaintiff, including the username/handle under which the comments were made.

**ANSWER:**

89. Name each person you spoke to regarding the plaintiff, five (5) years prior to the filing of this lawsuit until present.

**ANSWER:**

90. Identify all written documents that you authored in full or part, regarding the plaintiff.

**ANSWER:**

91. List any blogs, forums, or other websites on which you commented regarding the plaintiff, including the username/handle under which the comments were made.

**ANSWER:**

92. Name each person you spoke to regarding the plaintiff, within the past year.

**ANSWER:**

93. Identify all written documents or publications that you authored in full or in part, regarding the Plaintiff.

**ANSWER:**

94. Describe all communications of which you are aware concerning the allegations in the Complaint and the Answer.

**ANSWER:**

95. Identify and produce all documents concerning the communications identified in response to number 11 hereinabove and Defendant(s) response (if any).

**ANSWER:**

96. Identify any and all steps that were taken in efforts to investigate and/or authentic Plaintiff's claims concerning the investigation of Fuoco and his sexual misconduct or use of Union Funds to pay personal expenses or entertainment expenses.

**ANSWER:**

97. Identify any and all individuals who participated in any investigation initiated by Plaintiff in response to any complaints of Fuoco's sexual misconduct or harassment and describe the actions of such individuals in detail.

**ANSWER:**

98. Whether or not any defendant is aware that Fuoco commingled or used Union Funds to pay any personal and/or entertainment expenses during his tenure and, if so, what are the facts known and whether or not any discipline was imposed on him for such use. If there are any documents associated with this request, please identify and produce responsive to Plaintiff's request for production of documents.

**ANSWER:**

99. State whether or not defendant was aware that Fuoco was utilizing Union Funds in wooing young interns into a sexual relationship with him? If defendant was aware, please state such facts and whether or not Fuoco was disciplined, whether or not Fuoco was reported to any prosecuting agency and/or whether or not Fuoco was required to repay the Union. If there are any documents associated with this request, please identify and produce responsive to Plaintiff's request for production of documents.

**ANSWER:**

100. Produce all documents concerning any investigation made by Defendant(s) in response to any complaints of Fuoco's sexual misconduct or harassment. Identify the author of each such document.

**ANSWER:**

101. Please state the facts Defendant relied upon when Defendant spoke, written, typed or published the following statement: “everything was fine because everyone knows that Elk is insane and has a vendetta against the Guild” and, with respect to such statement, whether or not any other publications or retractions were made with regard to the same. If so, please provide those publications and/or retractions. If no retractions or publications were made please explain why? If any discussions took place concerning corrections or retractions of these statements please explain in detail what these discussions were.

**ANSWER:**

102. Please state the facts Defendant relied upon when Defendant spoke, written, typed or published the following statement: “Plaintiff did not connect his sources with Defendant” and, with respect to such statement, whether or not any other publications or retractions were made with regard to the same. If so, please provide those publications and/or retractions. If no retractions or publications were made please explain why? If any discussions took place concerning corrections or retractions of these statements please explain in detail what these discussions were.

**ANSWER:**

103. Please state the facts Defendant relied upon when Defendant spoke, written, typed or published the following statement: “Plaintiff does not actually care about sexual misconduct” and, with respect to such statement, whether or not any other publications or retractions were made with regard to the same. If so, please provide those publications and/or retractions. If no retractions or publications were made please explain why? If any discussions took place concerning corrections or retractions of these statements please explain in detail what these discussions were.

**ANSWER:**

104. Have you ever been subject to a civil injunction, protective order, or restraining order? If so, for each such injunction or order, state the type of proceeding, the date the court issued the order or injunction, and whether you received additional punishment (imprisonment, jail time, or a fine). In addition, provide a copy of the specific order(s) or injunction(s). Further, state the court, the case number, and the judge who issued the injunction or order.

**ANSWER:**

105. Name all persons who investigated this matter for you, including private investigators, insurance claim adjusters, medical experts, or use of force experts. For each such person, state their full name, address, and telephone number. In addition, state whether each such

person completed or signed a written statement or report and summarize the substance of their investigation and findings. Further, provide a copy of the written report.

**ANSWER:**

106. State the name and specialty of all experts you may call as witnesses at trial or on whose reports you might rely at trial or in any motion. In addition, give the substance of the findings and opinions. Further, attach copies of all written reports of each such expert to your answers.

**ANSWER:**

107. Identify any photos, drawings, videos, recordings, police reports, or other documents relative to the occurrence and Plaintiff's physical condition and injuries. Attach copies of each such item to your answers to these interrogatories.

**ANSWER:**

108. Are you aware of any statement, comment, conversation, testimony, or report made by any witness or party to this lawsuit? If your answer is "Yes," state the substance of such statement, comment, conversation, testimony, or report, where it took place, and the custodian of each account. In addition, attach copies of any written or transcribed statement.

**ANSWER:**

109. Have you had any contact with Plaintiff or witnesses since the occurrence? If so, explain who made the initial contact and summarize the substance of the discussion or correspondence.

**ANSWER:**

110. Do you contend that some other person or thing is responsible for Plaintiff's injuries? If your answer is yes, identify person or thing and state the facts you rely on.

**ANSWER:**

111. If you contend that any of Plaintiff's medical treatment or bills in the past were unreasonable, unnecessary, excessive, or unrelated to the attack, state the facts you rely on. In addition, say which medical treatment (including the date of service, bill, and health care provider) you object to and who will testify on this issue for you at trial.

**ANSWER:**



112. If you submit that Plaintiff's projected costs for future medical care are unreasonable, unnecessary, excessive, or unrelated to the attack, state the facts you rely on. In addition, say which medical care you object to and who will testify on this issue at trial.

**ANSWER:**

113. If you know of or intend to rely on any lay opinion, state the opinion's contents. Include the person's name and address and the date and time the person reached the view.

**ANSWER:**

114. Do you intend to introduce any medical report or expert witness opinion into evidence without the person who rendered the opinion testifying at trial? If so, identify each report and its author, date of issuance, and cost.

**ANSWER:**

115. Provide a list of properties that you control or own? Please include real estate, buildings, raw land, stocks, bonds, cryptocurrency, mutual fund shares, certificates of deposit, precious metals, mineral rights, and any property or item valued greater than \$1,000.

**ANSWER:**

116. What was your income in 2020, 2021 and 2022? Please attach a copy of your state and federal income tax returns for 2020, 2021 and 2022.

**ANSWER:**

117. Does any person or business owe you any money or property? If so, identify that person or business, state how much you are owed, and describe the transaction that serves as the basis for the debt.

**ANSWER:**

118. Is any person or business holding or possessing any money or property for you? If so, identify that person or business and describe what property they are holding.

**ANSWER:**

119. Are you the beneficiary of any trust, estate, or pension fund? If so, say the amount involved, the name, address, and telephone number of the person or entity controlling the funds, and summarize the holdings.

**ANSWER:**

120. How much money is in your checking and savings accounts?

**ANSWER:**

121. How much money is in any 401(K) or Roth IRA you control?

**ANSWER:**

122. Please state whether you had any policy of insurance or insurance agreement in effect during this occurrence or these occurrences. For each such contract, say the name of the insurance company, the type of policy, the policy number, the policy limits and coverage provided, your agent's name, and any claim numbers relevant to this occurrence.

**ANSWER:**

123. If you rent your home, state whether you had renters' insurance in effect on this occurrence, these occurrences or this attack or these attacks. If so, state the insurance carrier's name, the policy number, and the policy limits.

**ANSWER:**

124. If, at the time of the occurrence, you were insured through a policy including but not limited to liability, homeowners, renters', or umbrella coverage, through some other person's name, state:

- i. The name and address of the insurer issuing the policy;
- ii. The policy number;
- iii. The name of the person insured under the policy; and
- iv. The nature and extent of the coverage that protects you from this lawsuit's risks and may cover awarded damages.

**ANSWER:**

125. Please list every document you are aware of that may relate to this occurrence. In addition, describe the document's contents. Or, in the alternative, attach a copy of each document to your answers to these interrogatories.

**ANSWER:**

126. Do you suffer from a disability or injury that prevented you from avoiding the occurrence or stopping it? If so, provide details on the disability or injury and how it affects you.

**ANSWER:**

127. Identify all oral statements and/or all documents within your possession which indicate a confidential agreement existed between Plaintiff and Defendant(s) inducing Plaintiff to breach another confidential agreement with a third party not to disclose his relevant sources concerning conduct of Michael Fuoco's Sexual Harassment of women, more specifically, younger women, while Michael Fuoco was a Union Leader, Adjunct Professor and employee of the Pittsburgh Post Gazette.

**ANSWER:**

128. Identify all oral statements and/or all documents within Defendant(s) possession known to you, made at any time through the present by any person, in any way concerning Sexual Harassment and/or Sexual Misconduct of Micheal Fuoco while he was a Union Leader, Adjunct Professor and employee of the Pittsburgh Post Gazette.

**ANSWER:**

129. Identify all persons known to known to have knowledge of or to have participated in any discussions concerning the confidentiality agreement between Plaintiff and Defendant(s) concerning Sexual Harassment and/or Sexual Misconduct of Michael Fuoco while he was a Union Leader, Adjunct Professor and employee of the Pittsburgh Post Gazette. And for each such person, stating in full detail, the nature of his/her knowledge of or participation in those events.

**ANSWER:**

130. Identify any insurance policies which Defendants contend may cover any of the damages sought in this case, and state the date on which each relevant insurer was notified of Plaintiff's claims.

**ANSWER:**

131. State in full detail all steps and precautions Defendant(s) took to ensure that the Defendant(s) were holding up their end of the confidentiality agreement in exchange for Plaintiff's sources.

**ANSWER:**

132. State in full detail all information Defendant(s) received from Plaintiff's sources, at any time or from any other party or person, concerning the Sexual Harassment and/or Sexual Misconduct of Micheal Fuoco while he was Micheal Fuoco while he was a Union Leader, Adjunct Professor and employee of the Pittsburgh Post Gazette.

**ANSWER:**

133. Identify each and every civil lawsuit in which you have been a Defendant at any time between January 1, 2010 and the present, which included allegations that you engaged in fraud and/or made any misrepresentations, and for each such case:

- i. State the court in which such case was handled, the case number, the identities of your attorney and the opposing parties' attorneys, and the date when the case was filed; and
- ii. State in full detail the nature of the case, and the outcome of the case.

**ANSWER:**

134. Identify any communication involving Defendant(s) and the Plaintiff (or his representatives) that concerned confidentiality agreement in exchange for sources, and for each such statement:

**ANSWER:**

135. State in full detail any offer made by Defendant(s) to the Plaintiff for assistance or compensation of any kind, and

**ANSWER:**

136. State in full detail all statements Defendant(s) made to the Plaintiff, and all statements made to Defendant(s) by the Plaintiff.

**ANSWER:**

**REQUEST FOR PRODUCTION DIRECTED TO JOHN SCHLEUSS**

1. Identify and produce any documents concerning the communications described in Plaintiff's interrogatory # 2. Identify the author of each such document and state the demand or demands to which such documents are responsive.

**RESPONSE:**

2. Identify and produce any documents concerning the witnesses identified by Defendant(s) in response to Plaintiff's Interrogatory # 3. Identify the author of each such document and state the demand or demands to which such documents are responsive.

**RESPONSE:**

3. Identify and produce all documents concerning such complaints identified in response to Plaintiff's Interrogatory # 7. Identify the author of each such document and state the demand or demands to which such documents are responsive.

**RESPONSE:**



4. Identify and produce all documents in Defendant(s) possession concerning the allegations in response to Plaintiff's Interrogatory # 9. Identify the author of each such document and state the demand or demands to which such documents are responsive.

**RESPONSE:**

5. Identify and produce all documents concerning the communications identified in response to Plaintiff's Interrogatory # 11. Identify the author of each such document and state the demand or demands to which such documents are responsive.

**RESPONSE:**

6. Produce all documents concerning any investigation made by Defendant(s) in response to Plaintiff's interrogatory # 13. Identify the author of each such document and state the demand or demands to which such documents are responsive.

**RESPONSE:**

7. Produce all documents relating to the response to Plaintiff's interrogatory #15, including notes, memorandum, informal and formal complaints, e-mails, audio or visual recordings, as well as the document referred to in your answer to the complaint at paragraph #'s

22, 23, 24, 28, 33,, 34, 35, 36, 37, 38, 39, 42, 43, 45, 46, 48, 49, 50, 51, 64, 75, 76, 84, 92, 93, 94, 96, 100, 101, 102, 103, 104, 105, 108, 133 and 136.

**RESPONSE:**

8. Produce all documents that reflect, refer or relate to any investigation resulting from the complaints or concerns identified in response to the hereinabove question # 15 including but not limited to the answer to the complaint at paragraph # 27, which states: “Defendant(s) conducted an investigation immediately after it received credible and actionable information with regard to the allegations against Micheal Fuoco, which led to the resignation from the Pittsburgh Local and Pittsburgh Post-Gazette. The information relied upon did not originate from the Plaintiff.”

**RESPONSE:**

9. With respect to your answer to the hereinabove question, please provide and produce the following:

**RESPONSE:**

10. Produce all documents that reflect, refer or relate to and discipline imposed as a result of the complaints or concerns identified in response to the hereinabove question # 15.

**RESPONSE:**

11. In the Answer, Defendant(s) assert Plaintiff failed to mitigate his damages. Describe in detail any documents that reflect such a defense including the dates and the facts of when these failures occurred, and describe any evidence that supports Defendant(s) contention that Plaintiff was made aware by Defendant(s) what his alleged conduct was in failing to mitigate those damages. If documents are relied upon by the Defendant(s) in their answer to this interrogatory, please produce a true and exact copy.

**RESPONSE:**

12. In the Answer, Defendant(s) assert that Plaintiff's harm and damages were proximately caused by the Plaintiff himself. Describe in detail any documents that reflect such a defense that Plaintiff's conduct or "knowing" or "voluntary acts" directly caused Plaintiff harm and damages. Describe also the facts, dates and evidence that supports these contentions and whether or not Defendant(s) had made Plaintiff aware. If documents are relied upon by the Defendant(s) in their answer to this interrogatory, please produce a true and exact copy.

**RESPONSE:**

13. Describe in detail and produce all documents that support, reflect or refer to any of Defendant(s) Affirmative Defenses.

**RESPONSE:**

14. Describe in detail and produce all documents contained in Defendant(s) personnel file related to Plaintiff.

**RESPONSE:**

15. Any and all documents identified in your answers to Interrogatories.

**RESPONSE:**

16. All written, recorded, and/or signed statements of any person, including the Plaintiffs, Defendant, witnesses, investigators, or any agent, representative, or employee of the parties, concerning the subject matter of this action.

**RESPONSE:**

17. All photographs, videotapes or audiotapes, x-rays, diagrams, medical records, surveys, or other graphic representations of information concerning the subject matter of this action, the Plaintiffs, or other damage.

**RESPONSE:**

18. Any documents which afforded liability insurance or other insurance policies including but not limited to any commercial or umbrella policy for the incident which is the subject matter of the Plaintiffs' Complaint.

**RESPONSE:**

19. Any documents received under any subpoena request or, by way of, any other means, of any party.

**RESPONSE:**

20. Any document prepared during the regular course of business as a result of the incident complained of in the Plaintiffs' Complaint, including recorded statements of witnesses and persons involved in this matter.

**RESPONSE:**

21. Any and all documents relating to Michael Fuoco and the investigation or records concerning the investigation or relied upon by Defendant(s) at any time.

**RESPONSE:**

22. Any and all documents showing any relationship with any Defendant(s) concerning employment or independent contracting work i.e., contracts for the previous ten (10) years.

**RESPONSE:**

23. Your cell phone records, including call logs, text logs, and data usage logs of and relating to any texts made to Michael Fuoco at anytime for the previous ten (10) years concerning his sexual exploits or the investigation into his sexual misconduct and/or sexual harassment of women, more specifically, younger women.

**RESPONSE:**

24. All written reports, and drafts, of each person whom you expect to call as an expert witness at trial.

**RESPONSE:**

25. All documents upon which any expert witness you intend to call at trial reviewed to form any opinions.

**RESPONSE:**

26. The most recent resume or curriculum vitae of each expert whom you expect to call as an expert witness at trial.

**RESPONSE:**

27. Any list of cases maintained by any expert witness identified in which the witness has testified as an expert at trial or by deposition.

**RESPONSE:**

28. All written reports, including drafts, of each expert you intend to call at trial.

**RESPONSE:**

29. All notes, diagrams, photographs, case studies, research articles, or any other documents prepared or reviewed by each person whom you expect to call as an expert witness at trial.

**RESPONSE:**

30. All bills or invoices generated by each expert witness for performing expert witness services for you in this case, including but not limited to, the records review, the pretrial preparation, any telephone conference, any trial testimony anticipated, and any other fee or bill paid by the Defendant(s) for forensic services.

**RESPONSE:**

31. Any correspondence, including e-mails, etc., exchanged between representatives for Defendant and each expert.

**RESPONSE:**

32. The current fee schedule for each expert whom you expect to call as an expert witness at trial.

**RESPONSE:**

33. 1099 forms for each expert witness sent by any insurance company or law firm that compensated the expert for forensic work performed for the last two years.

**RESPONSE:**



34. Quickbooks, Quicken, Timeslips, or any other accounting documents that demonstrate each of Defendant's expert's fees associated with forensic work.

**RESPONSE:**

35. Tax returns for the past three years documenting payments from any insurance company to each expert whom you expect to call as an expert witness at trial.

**RESPONSE:**

36. Each publication, treatise, book or chapter thereof, literature, studies, academic or scholarly articles, journals, papers, pamphlets, peer-reviewed articles, or other documents in your possession, custody, or control which you or your experts will use as evidence that Plaintiff's injuries were not caused, or not exacerbated, by the Incident. (If the document is protected by copyright, disclosure of the identity of the document, e.g., via identification in an expert's report, will suffice).

**RESPONSE:**

37. Every publication, treatise, book or chapter thereof, literature, studies, academic or scholarly articles, journals, papers, pamphlets, peer-reviewed articles, or other documents which you or your experts will use as evidence that Plaintiff's injuries were not caused, or not exacerbated,

by the Incident. (If the document is protected by copyright, disclosure of the identity of the document, e.g., via identification in an expert's report, will suffice).

**RESPONSE:**

38. Every publication, treatise, book or chapter thereof, literature, studies, academic or scholarly articles, journals, papers, pamphlets, peer-reviewed articles, or other documents which is part of the whole of the foundation for the opinion, which you or your experts will use as evidence that Plaintiff's injuries were not caused, or not exacerbated, by the Incident. (If the document is protected by copyright, disclosure of the identity of the document, e.g., via identification in an expert's report, will suffice).

**RESPONSE:**

39. Any document that you may introduce into evidence or refer to at trial.

**RESPONSE:**

40. A full and complete investigative file of Michael Fuoco in addition to any draft articles or articles published in connection with his sexual exploits, sexual harassment, sexual misconduct with women, more specifically, younger women.

**RESPONSE:**

Respectfully Submitted:

**LJK LAW, PLLC:**

/s/ Louis J. Kroeck, IV  
Louis J. Kroeck, IV, Esquire  
PA ID #: 210045  
1200 Sarah Street  
Pittsburgh, PA 15203  
Phone: 1 (412) 712-7605  
Email: [Lou@ljk-law.com](mailto:Lou@ljk-law.com)

**VERIFICATION**

I, \_\_\_\_\_, subject to the penalties of 18 Pa C.S.A. §4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and/or Requests for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

\_\_\_\_\_

Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Discovery Request was served by electronic mail and where requested by first class mail on this 24<sup>th</sup> day of March, 2023, to the following:

Nancy B. G. Lassen, Esquire  
Email: [nlassen@wwdlaw.com](mailto:nlassen@wwdlaw.com)

Joseph J. Pass, Esquire  
Email: [jjp@jpilaw.com](mailto:jjp@jpilaw.com)

Patricia M. Shea, Esquire  
Email: [pats@cwa-union.org](mailto:pats@cwa-union.org)

Robert E. Paul, Esquire  
Email: [rpaul@robertepaul.com](mailto:rpaul@robertepaul.com)

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Email: [aoshagan@wwdlaw.com](mailto:aoshagan@wwdlaw.com)

**JK LAW PLLC:**

**L**

Louis J. Kroeck, IV  
Louis J. Kroeck, IV, Esquire  
Attorney for Plaintiff, Mike Elk

/s/

**CERTIFICATE OF COMPLIANCE**

I hereby further certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania that requires filing confidential information and documents separately from non-confidential information and documents.

**LJK LAW PLLC:**

Louis J. Kroeck, IV  
Louis J. Kroeck, IV, Esquire  
Attorney for Plaintiff, Mike Elk

/s/