

1 Scott M. McNair (Complainant, Pro Se)

2 [REDACTED]

3 Phoenix, Arizona [REDACTED]

4 Telephone [REDACTED]

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MARICOPA COUNTY

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EMPLOYEE MERIT SYSTEMS COMMISSION

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SCOTT M. MCNAIR
Complainant

CASE NO. MC-WB-2004-1

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COMPLAINANT'S WITNESS LIST

04 OCT -4 PM 12:55
HUMAN RESOURCES
RECRUITING

10

V.

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MARICOPA COUNTY, et at
Respondents

Assigned to Hearing Officer David Gering

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I. PLEA FOR LENIENCY AND WAIVER OF FORMAL REQUIREMENTS

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In that the Complainant (McNair) is neither represented by counsel nor had any formal legal training, he does hereby request leniency for the form and content of this pleading, and requests that the Commission waive and/or suspend any formal procedural requirement necessary in order to insure the Complainant due process and equitable justice, and to insure that a fair and just determination can be made. (*"Pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers."*)

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¹ Haines V. Kerner, 92 S.Ct. 594; Jenkins V. McKeithen, 395 US 411, 421 (1969); Picking V. Penna. Rwy. Co. 151 F.2d 240; Puckett V. Cox, 456 F.2d 233.)

1 **II. WITNESSES**

2 **Richard Romley:**

3 Shall give testimony pertaining to his handling of complaints and claims filed with the
4 County by the Complainant, his handling of and involvement in any subsequent
5 investigations of such, his involvement in retaliatory actions against the Complainant, and
6 his involvement in the deliberate interference with discovery & disclosure related to this and
7 other civil actions filed by the Complainant as a means of retaliation for his exercising his
8 constitutional right to due process, and his involvement in and/or investigation of any
9 retaliatory denial of employment of the Complainant.

10 **Daniel Brenden:**

11 Shall give testimony pertaining to his handling of complaints and claims filed with the
12 County by the Complainant, his handling of and involvement in any subsequent
13 investigations of such, his involvement in retaliatory actions against the Complainant, and
14 his involvement in the deliberate interference with discovery & disclosure related to this and
15 other civil actions filed by the Complainant as a means of retaliation for his exercising his
16 constitutional right to due process, and his involvement in and/or investigation of any
17 retaliatory denial of employment of the Complainant.

18 **Mary Cronin:**

19 Shall give testimony pertaining to her handling of complaints and claims filed with the
20 County by the Complainant, her handling of and involvement in any subsequent
21 investigations of such, her involvement in retaliatory actions against the Complainant, and
22 her involvement in the deliberate interference with discovery & disclosure related to this
23 and other civil actions filed by the Complainant as a means of retaliation for his exercising

1 his constitutional right to due process, and her involvement in and/or investigation of any
2 retaliatory denial of employment of the Complainant.

3 **Janice Stratton:**

4 Shall give testimony concerning her handling of complaints filed with the Maricopa County
5 Employee Merit Commission by the Complainant.

6 **Andrew Kunasek:**

7 Shall give testimony pertaining to his handling of complaints and claims filed with the
8 County by the Complainant, his handling of and involvement in any subsequent
9 investigations of such, his involvement in retaliatory actions against the Complainant, and
10 his involvement in the deliberate interference with discovery & disclosure related to this and
11 other civil actions filed by the Complainant as a means of retaliation for his exercising his
12 constitutional right to due process, and his involvement in and/or investigation of any
13 retaliatory denial of employment of the Complainant.

14 **David Smith:**

15 Shall give testimony pertaining to his handling of complaints and claims filed with the
16 County by the Complainant, his handling of and involvement in any subsequent
17 investigations of such, his involvement in retaliatory actions against the Complainant, and
18 his involvement in the deliberate interference with discovery & disclosure related to this and
19 other civil actions filed by the Complainant as a means of retaliation for his exercising his
20 constitutional right to due process, and his involvement in and/or investigation of any
21 retaliatory denial of employment of the Complainant.

22 **Fulton Brock:**

23 Shall give testimony pertaining to his handling of complaints and claims filed with the
24 County by the Complainant, his handling of and involvement in any subsequent

1 investigations of such, his involvement in retaliatory actions against the Complainant, and
2 his involvement in the deliberate interference with discovery & disclosure related to this and
3 other civil actions filed by the Complainant as a means of retaliation for his exercising his
4 constitutional right to due process, and his involvement in and/or investigation of any
5 retaliatory denial of employment of the Complainant.

6 **Mary Rose Wilcox:**

7 Shall give testimony pertaining to her handling of complaints and claims filed with the
8 County by the Complainant, her handling of and involvement in any subsequent
9 investigations of such, her involvement in retaliatory actions against the Complainant, and
10 her involvement in the deliberate interference with discovery & disclosure related to this
11 and other civil actions filed by the Complainant as a means of retaliation for his exercising
12 his constitutional right to due process, and her involvement in and/or investigation of any
13 retaliatory denial of employment of the Complainant.

14 **Max Wilson:**

15 Shall give testimony pertaining to his handling of complaints and claims filed with the
16 County by the Complainant, his handling of and involvement in any subsequent
17 investigations of such, his involvement in retaliatory actions against the Complainant, and
18 his involvement in the deliberate interference with discovery & disclosure related to this and
19 other civil actions filed by the Complainant as a means of retaliation for his exercising his
20 constitutional right to due process, and his involvement in and/or investigation of any
21 retaliatory denial of employment of the Complainant.

22 **Don Stapley:**

23 Shall give testimony pertaining to his handling of complaints and claims filed with the
24 County by the Complainant, his handling of and involvement in any subsequent

1 investigations of such, his involvement in retaliatory actions against the Complainant, and
2 his involvement in the deliberate interference with discovery & disclosure related to this and
3 other civil actions filed by the Complainant as a means of retaliation for his exercising his
4 constitutional right to due process, and his involvement in and/or investigation of any
5 retaliatory denial of employment of the Complainant.

6 **David Smith:**

7 Shall give testimony pertaining to his handling of complaints and claims filed with the
8 County by the Complainant, his handling of and involvement in any subsequent
9 investigations of such, his involvement in retaliatory actions against the Complainant, and
10 his involvement in the deliberate interference with discovery & disclosure related to this and
11 other civil actions filed by the Complainant as a means of retaliation for his exercising his
12 constitutional right to due process, and his involvement in and/or investigation of any
13 retaliatory denial of employment of the Complainant.

14 **Other Unidentified Witnesses:**

15 As the Respondents have deliberately withheld the disclosure of all persons involved in the
16 handling, review, and or determination of the Complainant's application for employment, and
17 denied the Complainant all discovery related to this matter, he reserves the right to call
18 additional witnesses pending proper disclosure by the Respondents.

19 **III. EXCLUSION OF WITNESSES FROM HEARING ROOM**

20 This Complainant does hereby request that all witnesses be excluded from the hearing room
21 when they are not actually testifying or being questioned.

22 In order to insure the integrity of the hearing, and in consideration of the fact that the witnesses
23 and their testimony are so closely related, it is requested that the Commission take steps
24 necessary to limit the opportunity to compromise such.

1 To that end, and since the hearing is being held at County offices, it is requested that the
2 following be ordered:

- 3 1) A vacant office or conference room be set aside to sequester the witnesses,
- 4 2) All witnesses shall relinquish any cell phones, pagers, PDAs, and other electronic
5 communications devices in their possession to the Hearing Officer before sequestering,
- 6 3) The witnesses shall refrain from discussion between themselves and be denied access to
7 outside communication during such time,
- 8 4) A security officer from the County shall be assigned to monitor the activities of the
9 witnesses and ensure that there are no discussions between such while being
10 sequestered.

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13 **RESPECTFULLY SUBMITTED this 4th day of OCTOBER 2004.**

14 By _____
15 Scott M. McNair, Complainant (Pro Se)

16 ORIGINAL of the foregoing FILED with:

17 Maricopa County Employee Merit System Commission
18 Attn: Ms. Janice Stratton
19 301 West Jefferson, Suite 219
Phoenix, Arizona 85007

20 COPY of the foregoing HAND DELIVERED to Respondents:

21 Maricopa County, et. al.
22 Division of County Counsel
23 Attn: Mr. Daniel Brenden
24 222 North Central Avenue, Suite 1100
Phoenix, Arizona 85004