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August 24, 2018

RECEIVED
CLERK OF THE SENATE
DATE: 8-24-18 TIME: 3:10 pm
By: LC

Via Hand Delivery

The Honorable Lee Cassis
Clerk of the West Virginia Senate
1900 Kanawha Boulevard, East
Room M-211
State Capitol Complex
Charleston, WV 25305

Re: Matter of Impeachment Proceeding Against Respondent
Retired Justice Robin Davis

Dear Clerk Cassis:

Enclosed please find a copy of "Request for Discovery by Respondent Retired Justice Robin Davis." By separate envelope, we are hand delivering to you the Board of Managers' copy of the Request as we discussed the morning.

Please let me know if there are questions.

Very truly yours,

PAMELA C. DEEM

PCD:ddc
Enclosure

IN THE WEST VIRGINIA SENATE
SITTING AS A COURT OF IMPEACHMENT

IN RE: Matter of Impeachment Proceeding
Against Respondent Retired Justice Robin Davis

REQUEST FOR DISCOVERY BY RESPONDENT RETIRED JUSTICE ROBIN DAVIS

Comes now Respondent Retired Justice Robin Davis, by counsel, Robert B. Allen and the firm of Kay Casto & Chaney PLLC, pursuant to Senate Resolution 203, Rule 21(a)(1)-(4), Rules of the West Virginia Senate, while sitting as a Court of Impeachment during the Eighty-Third Legislature (hereinafter "Senate Rules") and requests the Board of Managers to disclose to Respondent and to make available for inspection, copy, or photograph, the following:

(1) Any written or recorded statement of the Respondent in the Managers' possession which the Managers intend to introduce into evidence in their case-in-chief during the trial;

(2) Any books, papers, documents, data, photographs, tangible objects, buildings or places, or copies of portions of such items in the Managers' possession that the Managers intend to use in their case-in-chief as to one or more Articles of Impeachment;

(3) A list of the persons the Board of Managers intends to call as witnesses in its case-in-chief during the trial;

(4) A written summary of any expert testimony the Managers intend to use during their case-in-chief. Any summary provided must describe the witness' opinions, the bases and reasons for the opinions, and the witness's qualifications; and

(5) The identity of any potential expert the Managers consulted with and any reports, notes or summaries prepared in connection with that consultation regardless of whether the Managers intend to use the identity of the witness or any such information at the trial.

Under Senate Rule 21(c), Respondent would be required to provide reciprocal discovery on the same date the Board of Managers is required to respond to these discovery requests. This provides Respondent absolutely no time to review the discovery from the Board of Managers before being required to provide reciprocal discovery. Accordingly, Respondent requests thirty (30) days to provide the reciprocal discovery rather than the ten (10) days provided for in Senate Rule 21(c). In addition, Respondent will be assembling additional documents, witnesses and other evidence for use in her defense at the trial and will provide the required reciprocal discovery of that evidence as it becomes available to Respondent. In this regard, Respondent reserves the right to request additional discovery of any and all evidence developed, available to, or reviewed by the West Virginia House of Delegates during the investigation of this matter regardless of whether the Board of Managers intend to use such evidence at trial.

WHEREFORE, Respondent requests that the relief set forth herein be given and for such other and further relief as justice demands.

RETIRED JUSTICE ROBIN DAVIS

RESPONDENT

BY COUNSEL

Robert B. Allen by pcd
ROBERT B. ALLEN (WV Bar No. 110)
PAMELA C. DEEM (WV Bar No. 976)
KAY CASTO & CHANEY PLLC
707 Virginia Street, East, Suite 1500
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IN THE WEST VIRGINIA SENATE
SITTING AS A COURT OF IMPEACHMENT

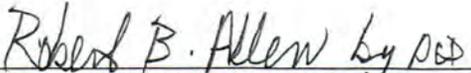
IN RE: Matter of Impeachment Proceeding
Against Respondent Retired Justice Robin Davis

CERTIFICATE OF SERVICE

I, ROBERT B. ALLEN, counsel for Respondent, do hereby certify that the foregoing “*Request for Discovery by Respondent Retired Justice Robin Davis*” has been served upon the following individuals this 24th day of August, 2018, by hand delivering a true and exact copy thereof as follows:

Board of Managers
c/o Lee Cassis
Clerk of the West Virginia Senate
1900 Kanawha Boulevard, East
Room M-211
State Capitol Complex
Charleston, WV 25305

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