

**UNITED STATES OF AMERICA
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington Field Office**

MATTHEW FOGG, et al. Class Agents,)	
)	
v.)	
WILLIAM P. BARR, ATTORNEY GENERAL, DEPARTMENT OF JUSTICE, Agency.)	
)	

**EEOC NO. 570-2016-00501X
AGENCY NO. M-94-6376**

LIST OF AGENCY WITNESSES

Pursuant to the Administrative Judge’s revised Case Management Order, dated March 12, 2019, the Agency provides the following list of potential Agency witnesses for the above-referenced case. The Class Agents’ claims have been generally identified, to include competitive and non-competitive promotions, reassignments, assignments, and hiring and recruitment from January 23, 1994 to February 24, 2017, pursuant to the Administrative Judge’s Order Defining the Class, Granting Complainant’s Motion to Amend Class Charge, and Authorizing Discovery.

I. AGENCY WITNESSES REGARDING ASSIGNMENTS, REASSIGNMENTS AND HIRING POLICIES OR PRACTICES

Class Agents have not yet identified the specific non-competitive promotions, assignments, reassignments and hiring policies or practices they will raise for adjudication. Accordingly, the Agency is not able at this point to determine its rebuttal witnesses to any specific claim Class Agents may eventually raise. When the Agency is informed of other specific policies and specific personnel actions involving specific Class Agents, or other Class Members, additional witnesses will be named. For instance, if the Class Agents allege that Office of Preference (OPREF) voluntary reassignments have a disparate impact on African Americans, then the Agency would need to add the District Managers that had a role in the decision for OPREF. The same would be true for an allegation that any other specific assignments have a disparate impact. Thus, at this time, the Agency is unable to identify witnesses relating to claims that have not been specifically raised or alleged by specific examples.

II. AGENCY WITNESSES REGARDING MERIT PROMOTION

The Agency provides all witnesses with relevant information on the specific issue of merit promotion. At issue are approximately 4,400 Merit Promotion Announcements for operational positions that have been identified as potentially relevant to the merit promotion selection process. Because the Agency does not know who will be Class Agents' witnesses or which class members will be witnesses regarding the merit promotion selection process, other than the specific Class Agents, the Agency cannot identify which of the following potential witnesses it will need to call as witnesses for hearing. The Agency does not intend to call every witness listed below at the administrative hearing on Class Agents' claims and, instead, is providing the names in order to give Class Agents' counsel preliminary information as to potential witnesses.

A. United States Marshals Service Directors

1. John Marshall, appointed Director November 17, 1999¹
2. Louie McKinney, appointed Acting Director January 21, 2001 (Class Member)
3. Benigno G. Reyna, appointed Director October 30, 2001
4. John F. Clark, appointed Acting Director August 1, 2005 and Director March 17, 2006
5. Stacia A. Hylton, appointed Director December 31, 2010
6. David Harlow, appointed Acting Director and Deputy Director July 26, 2015

B. Human Resources Division (HRD) Witnesses

1. Katherine Mohan, Associate Director of Administration and former Assistant Director, HRD. Ms. Mohan was Assistant Director from December 3, 2012 until December 2017. AD Mohan also worked in HRD from June 1984 until March 2008, to include as a Supervisory HR Specialist and Personnel Officer and has knowledge about the merit promotion process. Ms. Mohan also has knowledge about career ladder promotions, including training requirements, and management directed reassignments.
2. Darla Callaghan, former Assistant Director, HRD from on or about September 2008-2012.
3. Suzanne Smith, former Personnel Officer and Assistant Director, HRD from on or about July 1991 to April 2008.
4. James Wachter, former Human Resources Officer/ Personnel Officer, HRD from March 2009-September 2013.
5. Cheryl Jacobs, Deputy Assistant Director, HRD from on or about January 2009 to July 2011 (Class Member)
6. Sandra Lyles, former Chief, Merit Promotion. Ms. Lyles worked in merit promotion from April 1973 until December 2010.

¹ Eduardo Gonzalez, who served as Director from 1993 to 1999, is deceased.

7. David Anderson, former Acting Deputy Director and former Deputy Assistant Director HRD from on or about March 2007 to September 2008.
8. Molly Lowry, Office of Law Enforcement Programs, has knowledge of competitive promotions for operational employees. She has held the position since January 2011 and oversees the merit promotion process and manages the day-to-day operations of the program.
9. Kenneth Holecko, former Assistant Director, HRD from on or about January 1991 to July 1996.
10. Stacy Melton, Assistant Chief, Law Enforcement Staffing, September 2012 to present. Ms. Melton oversees the hiring and recruitment of DUSMs and has knowledge about law enforcement hiring and recruitment. Ms. Melton held the position of Assistant Chief, Law Enforcement Staffing, from July 2007 to July 2009, and was responsible for law enforcement staffing.

C. Career Board Members

The following individuals have served as Career Board Members since 1994. Accordingly, each of these individuals have relevant information relating to Career Board recommendations of the candidates for respective positions. The Career Board Members marked with an asterisk (*) have been identified as involved in the recommendation process of the merit promotion selections specifically involving the Class Agents.

1. Gary Mead, Chair, Career Board 1993-1994
2. Terry Walter, Career Board Member 1993-1994
3. William Griffin, Career Board Member 1993-1994
4. Mary Wong, Career Board Member 1993-1994
5. John Whitelock, Career Board Member 1993-1994
6. Lisa Griffis, Career Board Member 1993-1994
7. Jeffrey Thayer, Career Board Member 1993-1994
8. Kathleen Carson, Career Board Member 1993-1994
9. Timothy Bane, Chair, Career Board 1995-1998
10. Dora Alvarado, Career Board Member 1995-2000
11. Michael Ball, Career Board Member 1995-1998
12. Mary M. Doherty, Career Board Member 1995-2000
13. Kenneth Hill, Career Board Member 1995-1998
14. Flavio Lorenzoni, Career Board Member 1995-1998
15. Enrique Perez, Career Board Member 1995-2000
16. John Schmaltz, Career Board Member 1995-1998
17. James Tassone, Career Board Member 1995-1998 and Chair Career Board 1998-2000
18. Robert Williamson, Career Board Member 1995-1998
19. Lydia Blakey, Career Board Member 1998-2000
20. Jay Frey, Career Board Member 1998-2000
21. Jesse Guzman, Career Board Member 1998-2000
22. Larry Homenick, Career Board Member 1998-2000
23. Dawn Gregory-Izgarjan, Career Board Member 1998-2000

24. Alonda Guilbeau, Career Board Member 2000-2001
25. Stacia Hylton, Career Board Member 2000 and Chair Career Board 2001-2003
26. Kearn Knowles, Career Board Member 2000-2003
27. Rebecca Marshall, Career Board Member 2000-2001
28. *Robert Mobbs, Career Board Member 2001
29. Lori Lane, Career Board Member 2001
30. *Edward Stubbs, Career Board Member 2001
31. *Charlie Almanza, Career Board Member 2001-2006
32. *Lori Commins, Career Board Member 2004-2006
33. Steve Conboy, Career Board Member 2004-2006
34. Cathy Jones, Career Board Member 2004-2006
35. *Bradley Miller, Career Board Member 2004-2006
36. *Esteban Soto III, Career Board Member 2004-2008
37. *Cliff LaBarge, Career Board Member 2006-2010
38. *James Murphy III, Career Board Member 2006-2008
39. *Enrique Percz, Career Board Member 2006-2008
40. *David Robertson, Career Board Member 2006-2008
41. *Scott Rolstad, Career Board Member 2006-2008
42. *Elizabeth Sacnz, Career Board Member 2006-2010
43. *John W "Buck" Smith, Career Board Member 2008-2013
44. *Robert Fagan, Chair, Career Board 2008-2010
45. John Clark, Career Board Member 2008-2013
46. *Fernando Karl, Career Board Member 2008-2010 and Chair Career Board 2011-2013
47. *Karen Simons, Career Board Member 2008-2013
48. *Thomas Figmik, Career Board Member 2010-2013 and Chair Career Board 2013-2016
49. *Janet Gibbons, Career Board Member 2010-2016
50. *Tina Garza, Career Board Member 2010-2017
51. *Richard Long, Career Board Member 2010-2017
52. M. Heather Lowry, Career Board Member 2010-2017
53. *Stephanie Perez, Career Board Member 2010-2017
54. *Fidencio Rivera, Career Board Member 2010-2016 and Chair Career Board 2016-2017
55. Thomas Smith, Career Board Member 2010-2017
56. Keith Booker, Career Board Member 2016
57. Alejandro Ramos, Career Board Member 2016
58. Karen Thomas, Career Board Member 2016-2017
59. Eric Timberman, Chair, Career Board Member 2016, Career Board Chair 2017

The following individuals have served as Career Board Members and are also Class Members:

60. Ray Hodges, Career Board Member 1993-1994
61. *Flora Gant, Career Board Member 1995-2000 and 2006-2010
62. Willie Greason, Career Board Member 1998-2000 and Chair Career Board 2000

63. Willer Dean Blanding, Career Board Member 1998-2000
64. Sylvester Jones, Career Board Member 1998-2000
65. Darrell Williams, Career Board Member 1998-2000
66. Charles Rowe, Career Board Member 2000-2003
67. Donald Horton, Career Board Member 2001
68. *Donald Rackley, Career Board Member 2000-2003 and Chair, Career Board 2004 to 2006
69. *Vernon Johnson, Career Board Member 2008-2013
70. *Michael Brady, Career Board Member 2010-2016
71. *William W. "Buz" Brown, Career Board Member 2010-2016
72. *Todd Nukes, Career Board Member 2010-2016
73. *Sharon Duncan, Career Board Member 2013-2017
74. Charlotta Allen-Brown, Career Board Member 2016
75. Quintella Downs-Bradshaw, Career Board Member 2016
76. *Bennie Williams, Career Board Member 2016
77. *Neil DeSousa, Career Board Member 2004-2006 and Chair Career Board 2006-2008

D. Recommending Officials

All of the individuals identified below were involved in making recommendations for selection in which the Class Agents were not selected or for positions which the Class Agents have challenged.

1. Norris Batiste
2. Beverly Harvard
3. Carl Caulk
4. Michael Hughes
5. Angel Gonzalez
6. Michael Prout
7. Johnny Hughes
8. Derrick Driscoll
9. Noelle Douglas
10. Eben Morales
11. Brian McDonald
12. James Douglas
13. Juan DeHerrera
14. James Benham
15. Richard Rock II
16. Charles Zacharias
17. Brian Beckwith
18. Tina Lewis Rowe
19. Nancy McGillivray
20. John Butler
21. James Tantillo
22. William Zerillo

23. David Troutman
24. Timothy Mullaney, Sr.
25. Hiram Contreras
26. David Gonzalez
27. Robert Grubbs
28. Stacia Hylton
29. Robert Finan
30. George Walsh
31. Kenneth Briggs
32. William Piester, Jr.
33. Edmund S. Kolster
34. Don R. Moreland
35. Frank Skroski, III
36. Richard Mecum
37. Thomas Wight
38. Dennis Merrill
39. Harlon Costner
40. Thomas Hurlburt, Jr.
41. Stephen Conboy
42. Arthur Roderick, Jr.
43. Randy Ely
44. David Jolley
45. George Pike
46. Peter Swaim
47. John Hackman
48. Peter Elliott
49. Michael Earp
50. Gary Orton
51. James Wahrab
52. Candra Symonds
53. Eduardo Gonzalez
54. Thomas Little
55. Thomas Klenieski

The individuals identified below were involved in making recommendations for selection for merit promotion in which the Class Agents were not selected or for positions which the Class Agents have challenged and are themselves Class Members/Agent.

56. Sylvester Jones
57. Donald Horton
58. Thomas Hedgepeth (Class Agent)
59. Willie Richardson
60. Edwin Sloane
61. Vernon Johnson
62. Cheryl Jacobs
63. Marcus Walker

64. Darin Cooper
65. Louie McKinney

The Agency reserves the right to supplement and call any United States Marshal, Chief Deputy U.S. Marshal or Division Assistant Director to testify on behalf of the Agency on their decision-making process for recommendations for selection.

E. Structured Interviewers

The following individuals have been identified as structured interviewers for the Class Agents.

1. Roger Arechiga
2. Michael Blevins
3. John Cleveland
4. Blair Deem
5. Kearn Knowles
6. Marcia Lewis
7. Marc Otte
8. Matthew Quinn
9. Alejandro Ramos
10. Michael Rose
11. Esteban Soto, III

The individuals identified below have been identified as structured interviewers for the Class Agents and are also Class Members/Agent.

12. Charles Fonseca (Class Agent)
13. Willie Greason, Jr.
14. Donald Rackley

The Agency reserves the right to supplement and call any other structured interviewer to testify on behalf of the Agency on the structured interviewer process.

Sincerely,

Gerald M. Auerbach
General Counsel

_____/s/_____
Susan Gibson
Associate General Counsel
United States Marshals Service