



**Fw: Lewis hearing - unknown**  
Mark Deplasco to Barbara January

10/13/2010 11:53 AM

Subject: Mark Deplasco

----- Forwarded by Mark Deplasco/AWA/FAA on 10/13/2010 02:53 PM -----

From: Naomi Tsuda/AWP/FAA  
AWP-007, Regional Counsel  
To: Mark Deplasco/AWP/FAA@FAA, Andy Richards/AWP/FAA@FAA, Jason Ralph/AWP/FAA@FAA,  
Patricia Hardy/AWP/FAA@FAA, Susan Haggerty/AWP/FAA@FAA, Don Kirby/AWP/FAA@FAA  
Cc: Monique France/ANM/FAA@FAA  
Date: 02/20/2009 04:34 PM (@ 1334)  
Subject: Lewis hearing - unknown

Greetings - We had a shortened prehearing teleconference on the case, and the judge has not taken the case off calendar. However, thanks to a suggestion by Monique France, we may have a way to resolve this case that is acceptable to the agency. Thus, we are in settlement discussions and there is a decent likelihood this case may settle. The prehearing conference is continued to Tuesday at noon, so if the case settles, or the judge agrees to the suspension of the case, we will advise you asap. However, the judge has indicated he is not inclined to grant the motion to suspend, so please be prepared for hearing to go forward on March 4th.

If the case does not resolve, we will be contacting each of you with further details. We have made the AJ aware of our significant security concerns, and he says the MSPB is amply prepared to ensure security, and will do so.

I apologize for the lack of finality on the hearing information, but I am certain we will know by Tuesday afternoon whether the hearing will be going forward.

Naomi Tsuda, AWP-7  
Regional Counsel  
Western Pacific Region  
(310) 725-7101 / FAX: (310) 725-6816

IMPORTANT: This message, and any attachments thereto, is intended solely for specific recipients. If you are not an intended recipient of this communication, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. This message may be confidential, an attorney-client communication, part of the agency's deliberative process, or attorney-work product and must not be forwarded or otherwise shared without express permission. If you have received this e-mail in error, please notify me immediately by e-mail or telephone, discard any paper copies and delete all electronic files of this e-mail.

85

F11-0272WS  
RCVP 1-15-11



**Fw: Lewis hearing**  
**Mark Deplasco** to: Barbara January

10/13/2010 11:53 AM

Mark Deplasco

----- Forwarded by Mark Deplasco/AWA/FAA on 10/13/2010 02:53 PM -----

From: Naomi Tsuda/AWP/FAA  
AWP-007, Regional Counsel  
To: Andy Richards/AWP/FAA@FAA, Mark Deplasco/AWP/FAA@FAA, Patricia Hardy/AWP/FAA@FAA,  
Jason Ralph/AWP/FAA@FAA, James Austin/AWP/FAA@FAA  
Cc: Monique France/ANM/FAA@FAA, Susan Haggerty/AWP/FAA@FAA, Don Kirby/AWP/FAA@FAA, Don  
Bobertz/AWP/FAA@FAA  
Date: 02/24/2009 10:55 PM (1955) TUES  
Subject: Lewis hearing

Unfortunately, I STILL do not have a definitive word on whether we are going forward with the hearing in this case on March 4th. Yes, we had a telephone conference today, but Lewis' attorney asked for more time to consider the offer. We received relevant information regarding the settlement offer today, so Mr. Lewis has until Friday to make up his mind to accept our offer or not.

The Administrative Judge is aware of the offer, and I believe that he understands what we are offering and why. Although I am not at liberty to communicate the offer to all of you, I do not think you would be offended if you knew the terms. The offer does not, in any way, suggest to the AJ that we are concerned with our ability to prove the charges in our case. However, I believe the offer should be extremely attractive to Mr. Lewis, yet does not compromise the agency in any way.

In short, I know that many of you are trying to make your plans for next week. Unfortunately, it looks like we won't know until close to the last minute. As soon as we know, we will advise you. I truly regret this inconvenience, but there is no avoiding it.

Please feel free to call me if you have any questions; otherwise, we will advise you as soon as we have a decision one way or the other. If anyone is not going to be available Friday, please let me know. If we are going forward to hearing, we would like to make arrangements for hearing preparation.

Monique: If we are going to hearing, we would like to have James Swanson and John Crabtree testify. Would they be available on Wednesday, the 4th? Also, due to security and safety concerns, I am working on getting a courtroom in San Francisco that will have a fully-operational metal detector and armed US Marshals available. The MSPB courtroom is on the smaller side, and I am hopeful that I will be able to make arrangements at a larger, more comfortable venue.

Thank you for your patience,

Naomi Tsuda, AWP-7  
Regional Counsel  
Western Pacific Region  
(310) 725-7101 / FAX: (310) 725-6816

FAA-0272  
RCUD 1-15-11

86

**IMPORTANT:** This message, and any attachments thereto, is intended solely for specific recipients. If you are not an intended recipient of this communication, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. This message may be confidential, an attorney-client communication, part of the agency's deliberative process, or attorney-work product and must not be forwarded or otherwise shared without express permission. If you have received this e-mail in error, please