



Fw: Lewis hearing - unknown
Mark Deplasco to Barbara January

10/13/2010 11:53 AM

Sent by: 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 (e 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
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Lewis-FAA Case
8/2012 FLRA filing
Ex. # **51.1**

F11-0272WS
RCVP 1-15-11



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 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

More slander. In this example, AWP Counsel (Naomi Tsuda) is poisoning Lewis' reputation to the MSPB ALJ by pressing for metal detectors and armed guards ... for a 50-year-old employee with no record of any violent behavior.

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SOURCE: F11-0272, pg 86, read 1-15-11

Lewis-FAA Case
 8/2012 FLRA filing
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