

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In Re: Sigismund Wysolmerski, Esq.
PRB File No. 2018-069

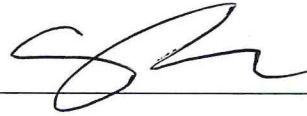
Disciplinary Counsel's Request for Resolution of Discovery Dispute

Now comes disciplinary counsel pursuant to A.O. 9, Rule 15.B(2) and respectfully requests that the panel chair resolve a discovery dispute between the parties.

1. By order dated December 20, 2018, this panel directed the parties to exchange names and contact information of witnesses by January 7, 2019 and to respond to requests for documents by January 21, 2019.
2. By letter dated November 29, 2018, undersigned counsel sent Respondent a letter providing her witness contact information and requesting “[c]ontemporaneous notes, billing or time records relevant to the assertions set out in Paragraphs 11 and 28 of the Answer.”
3. In a follow up telephone conversation in January 2019, Respondent indicated he had some of this information on an old computer, and would provide the requested information.
4. Respondent, to date, has not provided the requested information.
5. A.O. 9, Rule 15.B(2) states that “[d]isputes concerning discovery shall be determined by the chair of the hearing panel before which the matter is pending.”
6. Having made a written request to Respondent, followed up by telephone, and still received no response three weeks past the deadline in the scheduling order to respond, and more than two months after the request was made, undersigned counsel is without further recourse. Accordingly, I respectfully request that the panel chair order

Respondent to comply with the document request or assert in writing to the chair some lawful basis for failure to do so.

DATED: February 15, 2019

A handwritten signature in black ink, appearing to be 'SK', written over a horizontal line.

Sarah Katz
Disciplinary Counsel
Costello Courthouse
32 Cherry Street, Suite 213
Burlington, Vermont 05401
(802) 859-3001

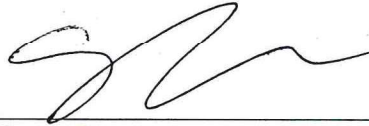
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CERTIFICATE OF SERVICE

I certify that on February 15, 2019, Sigismund Wysolmerski (Respondent) was served with Disciplinary Counsel's Request for Resolution of Discovery Dispute by email to siglaw@comcast.net

in accordance with A.O. 9, Rule 14.A and Vermont Rule of Civil Procedure 5.



Sarah Katz

Disciplinary Counsel