

VIRGINIA:

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

GRAFTON WILLIAM PETERSON,)
Administrator of the Estate of Erin Nicole)
Peterson, deceased)

Plaintiff,)

vs.)

JOHN W. THYDEN, Administrator of the)
Estate of Seung-Hui Cho, deceased, *et al.*,)

Defendants.)

CL: 09-005525

PLAINTIFF'S FIRST SET OF REQUEST FOR ADMISSIONS TO
DEFENDANT ROBERT C. MILLER, ED.D.

COMES NOW the Plaintiff, by counsel, pursuant to Rule 4:11 of the Rules of the Supreme Court of Virginia, and requests the **Defendant Robert C. Miller, Ed.D.** to admit or deny the truth of the following matters. You are hereby given notice that you have **twenty-one (21) days**, after service of the Request upon you, to file a written Answer addressing each matter. You are further advised that under Rule 4:11 of the Rules of the Supreme Court of Virginia, should you fail to admit the truth of any matters set forth herein as requested and the Plaintiff thereafter proves the truth of the matters set forth herein, plaintiff will apply to the Court for an Order requiring you to pay the reasonable attorney's fees.

FURTHER INSTRUCTIONS

It is requested that any denial to the Requests for Admissions fairly meet the substance of the requested admission, and that when good faith requires you to qualify your answer to deny only a part of the matter of which the admission is requested, please specify so much of it as is true and qualify or deny the remainder.

Please do not give lack of information or knowledge as a reason for failure to admit or deny unless you can and do state that you have made reasonable inquiry and that the information known or readily obtainable to you is insufficient to enable you to admit or deny.

REQUESTS

1. Admit that as of June, 2005 Virginia Tech had promulgated *Responding to Disruptive or Threatening Student Behavior – A Guide for the Faculty* [hereinafter referred to as the “Disruptive or Threatening Student Behavior Faculty Guide”].

RESPONSE:

2. Admit that you [Dr. Robert Miller] were a member of the Campus and Workplace Violence Prevention Team and assisted in the development of the Disruptive or Threatening Student Behavior Faculty Guide.

RESPONSE:

3. Admit that at the time you were assisting in the development of the Disruptive or Threatening Student Behavior Faculty Guide you were Director of the Cook Counseling Center.

RESPONSE:

4. Admit that by 2005, the Cook Counseling Center had itself published *Identifying and Referring the Distressed Student: A Faculty/Staff Guide* [hereinafter referred to as the “CCC Identifying and Referring the Distressed Student Guide”].

RESPONSE:

5. Admit that as Director of the Cook Counseling Center [CCC] you helped formulate the guidelines for identifying and referring the distressed student.

RESPONSE:

6. Admit that in the CCC Identifying and Referring the Distressed Student Guide the following characteristics might describe a distressed student:

Impaired speech and disjointed thoughts

Threats to others

Expressed suicidal thoughts

Behavior which regularly interferes with effective class management

Bizarre behavior that is obviously inappropriate for the situation

Students who appear overly nervous, tense or tearful

RESPONSE:

7. Admit that the Disruptive or Threatening Student Behavior Faculty Guide you helped write provided the following advice to faculty: “Encounters with students that leave you frightened and in fear for your personal safety should be taken very seriously.”

RESPONSE:

8. Admit that the Cook Counseling Center, of which you were Director, was listed in the Disruptive or Threatening Student Behavior Faculty Guide as a “resource for consultation and referral.”

RESPONSE:

9. Admit that the Cook Counseling Center, of which you were Director, was listed in the Disruptive or Threatening Student Behavior Faculty Guide as a resource for consultation and referral for students who:

Display anger or hostility inappropriately

Exhibits behavior that seems bizarre

Seems overly aggressive or depressed

Is the subject of complaints by other students regarding behaviors

Talks about homicide or suicide

May have a disability

RESPONSE:

10. Admit that on October 18, 2005 you were personally notified by Dr. Lucinda Roy of faculty concerns about a troubled student known as Seung-Hui Cho.

RESPONSE:

11. Admit that on October 18, 2005 you were personally notified by Dr. Lucinda Roy that Seung-Hui Cho, as a student in Professor Nikki Giovanni's class, had composed and read aloud a poem castigating her class, stating that he was disgusted with them and that "they will all burn in hell."

RESPONSE:

12. Admit that on October 18, 2005 you were personally notified by Dr. Lucinda Roy that the students in Professor Giovanni's class had asked for assistance because they were intimidated by Seung-Hui Cho's behavior.

RESPONSE:

13. Admit that on October 18, 2005 you were personally notified by Dr. Lucinda Roy that Professor Giovanni, "who is never rattled by anything" was genuinely concerned about Seung-Hui Cho's behavior and wanted him removed from her class.

RESPONSE:

14. Admit that on or about October 19, 2005 you were personally notified by Dr. Lucinda Roy that she and Cheryl Ruggeiro had met with Seung-Hui Cho on that date.

RESPONSE:

15. Admit that, on or about October 19, 2005 you were personally notified by Dr. Lucinda Roy that after she and Cheryl Rugeiro had met with Seung-Hui Cho they had additional concerns about his mental health.

RESPONSE:

16. Admit that on or about October 19, 2005 you were personally notified by Dr. Lucinda Roy that after she and Cheryl Rugeiro had met with Seung-Hui Cho they were both "genuinely concerned about him because he appeared to be very depressed..."

RESPONSE:

17. Admit that on or about October 19, 2005 you were personally notified by Dr. Lucinda Roy that after she and Cheryl Rugeiro had met with Seung-Hui Cho, Dr. Roy thought it would be important that a police officer be present if the student decided to return to Professor Giovanni's class.

RESPONSE:

18. On or about October 19, 2005 you were personally notified by Dr. Lucinda Roy that after she and Cheryl Ruggeiro had met with Seung-Hui Cho, Dr. Roy had made arrangements for Detective Jackson of the Virginia Tech Police Department to be present should Seung-Hui Cho meet with Professor Giovanni.

RESPONSE:

19. Admit that on October 20, 2005 you acknowledged your awareness of this student, offered to see him personally or suggested he see Cathye Betzel, a therapist at CCC, if you were unavailable.

RESPONSE:

20. Admit that on October 20, 2005 you advised Dr. Roy you had informed Cathye Betzel and Rita Klein, therapists at the Cook Counseling Center, of this student and his situation.

RESPONSE:

21. Admit that on November 30, 2005 Seung-Hui Cho called Cook Counseling Center to request an appointment with Cathye Betzel.

RESPONSE:

22. Admit that on November 30, 2005 Seung-Hui Cho was telephone triaged by Maisha Smith who noted that his mood was depressed, he had no relationships, had panic episodes or anxiety attacks when having to talk to people, had trouble concentrating, and was unable to interact with his friends/family/classmates.

RESPONSE:

23. Admit that on November 30, 2005 he was given a severity rating of “troubled” and was given an appointment with Cathye Betzel for December 12th.

RESPONSE:

24. Admit that he Cathye Betzel with whom Seung-Hui Cho was given an appointment on December 12, 2005 was the same Cathye Betzel you had fully informed about Seung-Hui Cho’s behavior in Nikki Giovanni’s class and Dr. Giovanni and Dr. Roy’s reactions to that behavior.

RESPONSE:

25. Admit that Seung-Hui Cho did not keep his appointment with Cathye Betzel on December 12, 2005.

RESPONSE:

26. Admit that on December 13, 2005 Seung-Hui Cho was evaluated by Kathy Godsby of ACCESS [New River Valley Community Services Board emergency mental health facility] following an expression of suicidal ideation.

RESPONSE:

27. Admit that on December 13, 2005 Kathy Godsby interviewed Seung-Hui Cho's roommate who stated that Cho's behavior had been "bizarre lately."

RESPONSE:

28. Admit that as of December 13, 2005 Seung-Hui Cho had adopted another persona and had described himself as a man named "?" [question mark], and posted an online profile with a question mark for his picture. As "Question mark" he called himself Seung-Hui Cho's twin brother.

RESPONSE:

29. Admit that as of December 13, 2005 Seung-Hui Cho had been accused by two young women of harassing them during the semester.

RESPONSE:

30. Admit that as of December 13, 2005 he was unable to come up with a plan for his own safety and the safety of others.

RESPONSE:

31. Admit that on December 13, 2005 Seung-Hui Cho was adjudicated by a Special Magistrate as mentally ill and posing an imminent risk of harm to himself and others.

RESPONSE:

32. Admit that on December 14, 2005 you were notified by Gerard Kowalski, Director of Residence Life, that on December 13, 2005 Seung-Hui Cho had been detained under a court order at the New River Valley Medical Center for evaluation of suicidal ideations.

RESPONSE:

33. Admit that on December 14, 2005 you were notified by Gerard Kowalski, Director of Residence Life, that as of December 13, 2005 Seung-Hui Cho was described as having “a history of erratic behavior and counseling based issues over the course of the semester.”

RESPONSE:

34. Admit that on December 14, 2005 you were notified by Gerard Kowalski, Director of Residence Life, that as of December 13, 2005 Seung-Hui Cho was described as having “previously had ‘blades’ [knives] in his room.”

RESPONSE:

35. Admit that on December 14, 2005 you were aware that following entry of his temporary detention order for suicidal or homicidal ideation, Seung-Hui Cho would be taken before another Special Magistrate for a further hearing on his mental health and his risk of harm to himself and/or others.

RESPONSE:

36. Admit that on December 14, 2005 Seung-Hui Cho was once again adjudicated mentally ill by a Special Magistrate, found to be an imminent risk of harm to himself and was ordered into outpatient therapy by the Special Magistrate.

RESPONSE:

37. Admit that following his adjudication as mentally ill and an imminent risk of harm to himself on December 14, 2005, the Carilion Behavioral Health’s patient’s assistant called the Cook Counseling Center to make an appointment for Seung-Hui Cho to commence his outpatient therapy.

RESPONSE:

38. Admit that an appointment was made for Seung-Hui Cho to see Sherry Lynch Conrad, one of your therapists, at 3 p.m. on December 14, 2005.

RESPONSE:

39. Admit that Sherry Lynch Conrad saw Seung-Hui Cho at 3 p.m. on December 14, 2005 for only approximately 30 minutes.

RESPONSE:

40. Admit that during the 30 minute session on December 14, 2005 Sherry Lynch Conrad did not assess his mood, relationship problems, panic or anxiety issues, self destructive behaviors, or functioning because Cathye Betzel, she contended, had done so just two days earlier.

RESPONSE:

41. Admit that during that 30 minute session on December 14, 2005 Sherry Lynch Conrad did not make a severity rating.

RESPONSE:

42. Admit that during that 30 minute session on December 14, 2005 Sherry Lynch Conrad did not review the evaluation performed by Kathy Godsby or make contact with Ms. Godsby.

RESPONSE:

43. Admit that during that 30 minute session on December 14, 2005 Sherry Lynch Conrad did not make contact with any of Seung-Hui Cho's suitemates or roommates.

RESPONSE:

44. Admit that during that 30 minute session on December 14, 2005 Sherry Lynch Conrad did not determine that Seung-Hui Cho was attending the session as part of court ordered outpatient psychotherapy.

RESPONSE:

45. Admit that during that 30 minute session on December 14, 2005 Sherry Lynch Conrad did not make any inquiry about the judicial proceedings of December 13th and 14th, 2005, or become aware that he had been adjudicated mentally ill and an imminent risk of harm to himself.

RESPONSE:

46. Admit that during that 30 minute session on December 14, 2005 Sherry Lynch Conrad did not attempt to make a diagnosis of what mental illness, if any, from which Seung-Hui Cho may be suffering.

RESPONSE:

47. Admit that during that 30 minute session on December 14, 2005 Sherry Lynch Conrad did not make any follow-up appointment for diagnosis and treatment of Seung-Hui Cho.

RESPONSE:

48. Admit that sometime after 4 p.m. on December 14, 2005 you forwarded Gerard Kowalski's email thread relating the events of December 13, 2005 with respect to Seung-Hui Cho to all of the CCC therapists, including Sherry Lynch Conrad.

RESPONSE:

49. Admit that sometime after 4 p.m. on December 14, 2005 you were advised that Seung-Hui Cho had been seen by Sherry Lynch Conrad, one of your therapists, at 3 p.m. that day.

RESPONSE:

50. Admit that sometime after 4 p.m. on December 14, 2005 you met with Sherry Lynch Conrad to review Seung-Hui Cho's case with her.

RESPONSE:

51. Admit that at the time you met with Sherry Lynch Conrad about Seung-Hui Cho on December 14, 2005 you were aware of his history, that he had threatened the students in Nikki Giovanni's class in October of 2005, had so frightened Professor Giovanni that she had requested police protection, had been behaving bizarrely and erratically, had expressed suicidal ideation, had no supportive relationships and had been detained under court order the day before.

RESPONSE:

52. Admit that at no time during your tenure at Cook Counseling Center did you record or cause anyone to record the history you had received of Seung-Hui Cho's violent writings, violent, threatening or intimidating activities, strange attire, bizarre behavior, Nikki Giovanni's complaints, or Dr. Lucinda Roy's and Cheryl Ruggiero's observations or concerns.

RESPONSE:

53. Admit that at some point on or after December 14, 2005 you had Seung-Hui Cho's mental health records on your office desk and in February or March of 2006 you removed them from the Cook Counseling Center.

RESPONSE:

54. Admit that in September, 2006 between the 6th day and the 12th day of that month and year, Mary Ann Lewis, Associate Dean of Liberal Arts and Human Sciences, made inquiry about Seung-Hui Cho's mental health history because of his unusual behavior in a class conducted by Professor Lisa Norris. At that time you had his mental health records at your home.

RESPONSE:

55. Admit that in September, 2006 between the 6th day and the 12th day of that month and year, Mary Ann Lewis, Associate Dean of Liberal Arts and Human Sciences was advised that the Cook Counseling Center could find no mental health history on Seung-Hui Cho.

RESPONSE:

56. Admit that Professor Lisa Norris had encouraged Seung-Hui Cho to seek counseling at the Cook Counseling Center in September, 2006, but he had declined.

RESPONSE:

57. Admit that as of September, 2006 Seung-Hui Cho was still under court order to receive outpatient psychotherapy.

RESPONSE:

58. Admit that as of April 16, 2007 Seung-Hui Cho was still under court order to receive outpatient psychotherapy.

RESPONSE:

59. Admit that your successor as Director of the Cook Counseling Center was Christopher Flynn.

RESPONSE:

60. Admit that on or about April 20, 2007 Christopher Flynn, as Director of the Cook Counseling Center, stated that Seung-Hui Cho had been diagnosed as mentally ill in December of 2005, had been admitted to Carilion Hospital, had been treated there for his illness and had not been released back into the student body at Virginia Tech until the doctors at Carilion Hospital had determined he was no longer an imminent risk of harm to himself or others.

RESPONSE:

61. Admit that at no time in 2005 or thereafter had Seung-Hui Cho ever been treated for mental illness at Carilion Hospital or any other facility not associated with Virginia Tech.

RESPONSE:

62. Admit that at no time was Seung-Hui Cho ever treated for mental illness at the Cook Counseling Center.

RESPONSE:

63. Admit that at no time did Seung-Hui Cho ever receive treatment of any kind from any officer, agent, employee or contracting party associated with the Cook Counseling Center.

RESPONSE:

64. Admit that at no time was Seung-Hui Cho ever diagnosed as mentally ill by the staff of the Cook Counseling Center.

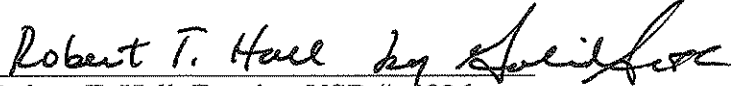
RESPONSE:

65. Admit that from the Fall of 2005 until his death on April 16, 2007 Seung-Hui Cho was suffering from an undiagnosed mental illness which on April 16, 2007 resulted in the deaths of 32 students and faculty, the wounding of 17 more and Seung-Hui Cho's death by suicide.

RESPONSE:

GRAFTON WILLIAM PETERSON,
Administrator of the Estate of
Erin Nicole Peterson, deceased
By Counsel

HALL, SICKELS, FREI & MIMS, P.C.


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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of August, 2009, a copy of the foregoing was served via facsimile and first-class mail on the following:

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