

To: MSPB Washington Regional Office  
Fr: David W. Noble, Jr.  
Re: Dkt. No. DC-0752-11-0880-I-1  
Dt: October 30, 2011  
By fax: 703-756-7112

Attached for filing are Appellant's Motion for Clarification, and a certificate of service.

cc: Stephen W. Furgeson

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**MERIT SYSTEMS PROTECTION BOARD**  
**Washington D.C. Field Office**

<p>David W. Noble Jr., Appellant</p> <p>v.</p> <p>United States Postal Service, Agency.</p>
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Docket No. DC-0752-11-0880-I-1

AJ: Turbitt

Date: October 30, 2011

**Appellant's Motion for Clarification**

In his October 28, 2011 *Order* denying appellant's motion to postpone hearing, the administrative judge stated:

It appears, moreover, that some of the evidence the appellant continues to seek in discovery pertains to issues or cases that he has previously litigated, or that the Board has disposed of for lack of jurisdiction in the past. I therefore see no purpose in delaying these proceedings to wait for evidence that is relevant or immaterial to this case.

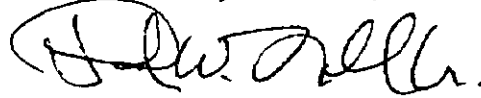
Appellant does not understand the above-quoted sentences and asks that the judge clarify them. In particular, appellant requests that the judge address the following:

a. By what means does it "appear" to the judge that "some of the evidence the appellant continues to seek" pertains to previous litigation? (Appellant's confusion on this point stems from the fact that, in compliance with Board regulations, he has not yet submitted his October 14, 2011 discovery requests to the judge.)

b. Has the judge concluded that the doctrines of law of the case, collateral estoppel or *res judicata* preclude some claim or issue presented to him for adjudication? If so, appellant respectfully requests that he so inform the parties, and describe the claim or issue. (The hearing in this matter is presently scheduled for November 4<sup>th</sup>, and to the extent possible appellant would

like to know in advance of the hearing what evidence will be allowed. This will permit appellant to avoid needlessly prolonging the hearing by asking irrelevant questions.)

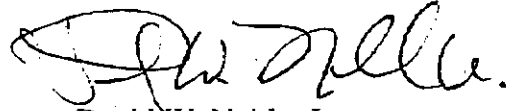
Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. W. Noble, Jr.", written in a cursive style.

David W. Noble, Jr.

**Certificate of Service**

I certify that I sent on October 30, 2011 I sent *Appellant's Motion for Clarification* by facsimile transmission to Stephen W. Furgeson at 301.955-0701 and to the Honorable Daniel Madden Turbitt at the MSPB Washington Regional Office at 703.756-7112.



David W. Noble, Jr.

