

## United States District Court, Northern District of Illinois

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|---|---------------------------|---|-----------|
| <b>Name of Assigned Judge or Magistrate Judge</b> | Samuel Der-Yeghiayan      | <b>Sitting Judge If Other than Assigned Judge</b> |           |
| <b>CASE NUMBER</b>                                | 02 C 2240                 | <b>DATE</b>                                       | 6/29/2004 |
| <b>CASE TITLE</b>                                 | EEOC vs. Carl Buddig & Co |   |           |

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

**MOTION:**

**DOCKET ENTRY:**

- (1)  Filed motion of [ use listing in "Motion" box above.]
- (2)  Brief in support of motion due \_\_\_\_\_.
- (3)  Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.
- (4)  Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5)  Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (6)  Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7)  Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8)  [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9)  This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
 FRCP4(m)    Local Rule 41.1    FRCP41(a)(1)    FRCP41(a)(2).
- (10)  [Other docket entry] For the reasons stated on the revers side of this minute order, plaintiff's motion to compel complete answers to discovery responses with regard to employee turnover rates [25-1] is denied. Plaintiff's motion to compel discovery responses [13-1] is denied in part and granted in part. Defendant's motion to compel disclosure of EEOC questionnaire, claimant responses and related interview notes [15-1] is granted in part. Defendant's to exclude certain female claimants [11-1] is granted. Status hearing set for 07/20/04 to stand.
- (11)  [For further detail see order on the reverse side of the original minute order.]

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|---|--|---|--|
| <input type="checkbox"/> No notices required, advised in open court.<br><input type="checkbox"/> No notices required.<br><input type="checkbox"/> Notices mailed by judge's staff.<br><input type="checkbox"/> Notified counsel by telephone.<br><input checked="" type="checkbox"/> Docketing to mail notices.<br><input type="checkbox"/> Mail AO 450 form.<br><input type="checkbox"/> Copy to judge/magistrate judge. | <div style="text-align: center;"> <p style="font-size: x-small;">U.S. DISTRICT COURT<br/>CLERK</p> <p style="font-size: x-small;">2004 JUN 29 PM 5:15</p> <p style="font-size: x-small;">Date/time received in<br/>central clerk's office</p> </div> | <p style="font-size: x-small;">number of notices</p> <p style="font-size: x-small;">date docketed</p> <p style="font-size: x-small;">docketing deputy initials</p> <p style="font-size: x-small;">date mailed notice</p> <p style="font-size: x-small;">mailing deputy initials</p> | <p style="font-weight: bold; font-size: small;">Document Number</p> <div style="font-size: 2em; font-weight: bold; margin-top: 20px;">31</div> |
| <p>MW</p> <p style="font-size: x-small;">courtroom deputy's initials</p>  |  |   |  |

## ORDER

This matter is before the court on Plaintiffs' and Defendant's motions to compel. On January 28, 2004, Plaintiffs filed a motion to compel complete answers to discovery responses in regards to Defendant's employee turnover rates. Plaintiffs have failed to show that the sought information is relevant in this suit. In addition, Plaintiffs did not file this motion to compel until a month after the close of discovery. Plaintiffs' excuses for the untimely filing are entirely without merit. Plaintiffs failure to seek the information sooner is solely due to their own lack of diligence. We also note Plaintiffs even had more time to complete discovery than originally anticipated because the prior judge in this case even granted the parties' an extension of the discovery cutoff date. Therefore we deny Plaintiffs' motion to compel complete answers to discovery responses with regard to Defendant's employee turnover rates

On December 31, 2003, Defendants filed a motion to compel disclosure of the EEOC questionnaire, claimant responses, and related interview notes. We grant the motion to compel disclosure of the EEOC questionnaire since it is not work product in regards to this action. We grant in part the motion to compel disclosure of claimant responses and related interview notes. Plaintiff is authorized to redact all information in the documents other than the claimant's employment history, job qualifications, and application to or employment with Defendant.

On December 16, 2003, Plaintiffs filed a motion to compel Defendants to respond to interrogatories and discovery requests. In regards to the information relating to the charges of discrimination against Defendant and the personnel records, we agree with Defendant that Plaintiffs' request is overly broad and is seeking confidential information without an adequate basis to do so. Therefore, we deny the motion to compel in regards to those requests. As to the requests for reports, notes and minutes of management meetings, and advisory board meetings, we grant the motion to compel. However, since the documents involve confidential and sensitive matters, the documents are to be held by Plaintiffs' counsel and may only be viewed by Plaintiffs' counsel and Plaintiffs' experts.

On December 12, 2003, Defendant filed a motion to exclude certain female claimants. Plaintiffs disclosed the names of female class members during discovery in a piecemeal fashion and Defendants accordingly sought discovery relating to those class members. However, shortly before the close of discovery on November 14, 2003, Plaintiffs inexplicably disclosed approximately 405 additional members of the class of females. Plaintiffs' excuses for such an untimely disclosure are wholly inadequate and the untimeliness is again due solely to Plaintiffs' own lack of diligence. We agree that Plaintiffs' gamesmanship has deprived Defendant of the opportunity to engage in meaningful discovery relating to the additional female class members. Therefore, defendant's motion to exclude certain female claimants is granted.