

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY :
COMMISSION, :
 :
 Plaintiff, :
 :
 vs. : CIVIL ACTION 04-00623-CG-B
 :
 BROOKLEY FURNITURE CO., :
 et al., :
 :
 Defendants. :

ORDER

This action is before the Court on Defendants' Motion to Compel (Doc. 97). In their motion, Defendants seek an order compelling Plaintiff-Intervenor to produce her complete Social Security Disability file, or in the alternative, to require Plaintiff-Intervenor to execute a release which will enable Defendants to retrieve the file directly from the Social Security Administration. According to Defendants, while Plaintiff-Intervenor has produced the Social Security documents within her possession, it appears that additional records, such as the reports of non-examining State Agency "physicians and/or psychologists" were generated, but have not been produced. Plaintiff-Intervenor argues that she has fully responded to Defendants' discovery requests, which sought 1.) "a copy of the application for Social Security benefits, together with any supporting documentation, and copies of all

correspondence or notices received from the Social Security Administration" and 2.) information relating to any Social Security Disability benefits that Plaintiff-Intervenor was awarded, including the amount of the monthly benefits, and "documentation relating to the same". Plaintiff-Intervenor argues that all responsive documents have been produced; thus, Defendants' motion should be denied as moot.

Based upon a review of the above-referenced discovery requests propounded by Defendants, and Plaintiff-Intervenor's response, the undersigned finds that Plaintiff-Intervenor has fully responded to the subject discovery requests. It is undisputed that Plaintiff-Intervenor has produced her application for social security disability benefits, along with the documentation that she submitted in support of her application. Moreover, it appears that Plaintiff has provided the documentation that details the monthly disability benefits that she is to receive. While Defendants apparently contend that they are entitled to the complete disability file maintained by the Social Security Administration, this is not what they requested in discovery. Simply put, Defendants' discovery requests did not seek the disability file maintained by the Social Security Administration nor a release executed by Plaintiff-Intervenor. Because the undersigned is unwilling to compel Plaintiff-

Intervenor to produce that which was not requested,
Defendants' Motion to Compel is **DENIED**.

DONE this 18th day of **May, 2005**.

s/Sonja F. Bivins
UNITED STATES MAGISTRATE JUDGE