

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

U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

BROOKLEY FURNITURE  
COMPANY, et al

Defendants.

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\* CIVIL ACTION NO. 04-00623-CG-B

ORDER

This matter is before the Court on Defendants' Motion to Shorten Time to Respond to Defendants' Second Request for Production (Doc. 107), Defendants' Motion for a Protective Order (Doc. 108), Defendants' Second Motion to Compel Plaintiff-Intervenor to Submit to an Independent Medical Examination (Doc. 117), and Plaintiff-Intervenor's Motion for a Protective Order (Doc. 119). The undersigned conducted a discovery conference, via telephone, on June 3, 2005 to afford counsel for the parties an opportunity to present their respective positions regarding the referenced motions. Based upon a careful review of the motions, and any opposition thereto, and for the reasons set forth at the discovery conference, the Court rules as follows:

1. Defendants' Motion to Shorten Time to Respond to Defendants' Second Request for Production (Doc. 107) is **DENIED** as

**MOOT**; however, Plaintiff-Intervenor is **DIRECTED** to execute a medical release authorizing Dr. David Formwalt and Gulf Oaks Hospital to release to Defendants' counsel any and all records of their treatment and/or evaluation of Plaintiff-Intervenor. The releases are to be provided to Defendants' counsel by **June 7, 2005**.

2. Defendants' Motion for a Protective Order (Doc. 108) is **DENIED**.

3. Defendants' Second Motion to Compel Plaintiff-Intervenor to Submit to an Independent Medical Examination (Doc. 117), and Plaintiff-Intervenor's Motion for a Protective Order (Doc. 119) are **GRANTED** in part, and **DENIED** in part, as follows: Plaintiff-Intervenor is **DIRECTED** to submit to an independent psychological examination conducted by Dr. Robert T.M. Phillips, a licensed psychiatrist, on June 6, 2005 (no more than eight (8) hours, including appropriate breaks) and June 7, 2005 (no more than four (4) hours, including appropriate breaks).<sup>1</sup> The above-referenced examination is to be videotaped by a female videographer.

DONE this 3<sup>rd</sup> day of **June, 2005**.

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<sup>1</sup> To the extent Defendants request further testing, they should submit documentation evidencing such need.

s/SONJA F. BIVINS  
UNITED STATES MAGISTRATE JUDGE