

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

U.S. EQUAL EMPLOYMENT	*
OPPORTUNITY COMMISSION,	*
	*
Plaintiff,	*
	*
vs.	* CIVIL ACTION NO. 04-00623-CG-B
	*
BROOKLEY FURNITURE	*
COMPANY, et al	*
	*
Defendants.	*

ORDER

This case is before the Court on several pending discovery motions. The undersigned conducted a discovery conference on July 15, 2005 to afford counsel for the parties an opportunity to present their respective positions regarding the motions. Based upon a careful review of the motions, and any opposition thereto, and the information presented during the discovery conference, the Court rules as follows:

1. Plaintiff-Intervenor's Motion To Compel (Doc. 127), which seeks an order compelling Defendants to produce the videotapes of Dr. Robert T.M. Phillips' incomplete psychological examination of Jane Doe is **DENIED** for the reasons expressed by the undersigned during the July 15<sup>th</sup> hearing. However, pursuant to the parties' agreement, counsel for Defendants are to refrain from viewing the videotapes until after the examination

is completed.

2. Defendants' Motion to Extend Time for their supplemental expert disclosure(Doc. 147) is **GRANTED** in part. The undersigned will issue a revised deadline for the supplemental and rebuttal expert reports following the completion of Jane Doe's psychological evaluation.

3. Defendants' Motion to Stay Action and Extend Deadline for Completion of IME (Doc. 140)is held in abeyance. Counsel for Plaintiff-Intervenor Jane Doe is **DIRECTED** to submit to the Court, no later than **August 5, 2005**, a signed statement from Dr. Kathryn Ney, Jane Doe's treating physician, that contains her opinion as to whether Jane Doe is capable, in her current medical condition, of undergoing the remainder of the psychological evaluation to be conducted by Dr. Robert Phillips. To the extent that Jane Doe is capable of proceeding with the evaluation, the statement should detail any safeguards that should be implemented for the safety of Jane Doe. To the extent that Jane Doe is not capable of proceeding with the evaluation, the statement should detail the information relied upon to reach such conclusion, and provide a reasonable estimate of when the evaluation could likely be resumed.

DONE this 15<sup>th</sup> day of **July, 2005**.

          /s/SONJA F. BIVINS            
UNITED STATES MAGISTRATE JUDGE

