

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

EEOC, et al,

Plaintiffs,

v.

CASE NO. 4:04-cv-00391-SPM-AK

ASSOCIATED SECURITY
ENFORCEMENT INC,

Defendant.

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ORDER

This matter is before the Court on Plaintiffs' Joint Motion to Compel Discovery, Or In the Alternative Suppress Discovery Not Yet Produced By Defendant At Trial. (Doc. 26). Having considered said motion and the response (doc. 28) thereto, the Court is of the opinion that it should be **GRANTED**.

Also before the Court is Plaintiff EEOC's Motion for Protective Order (doc. 25), to which there has been no response, and which the Court also finds should be **GRANTED**.

Motion to Compel

At issue in Plaintiffs' motion are three types of documents from Defendant: (1) supervisor's log sheets between July 1, 2002, and June 10, 2003; (2) various security post log sheets; and (3) work schedules for all employees during time period when plaintiffs Glass and Billington worked. Although Plaintiffs' motion includes a number of other requests for production, the only argument made is as to these three types of documents, and consequently, the Court will limit its ruling to these documents.

Defendant responds that compiling the documents requested would require 80 to 100 hours of employee time and wants Plaintiff to post \$2500 in an escrow account to cover these costs before production would ensue. The Court has read over all the exhibits attached to both the motion and the response and finds that this estimation of time and expense is not supported by the persons responsible for maintaining these records. Deposition excerpts of Sheri Barnes and Karen Stewart reveal that these records were kept by month, maintained for five years, and neither employee believed it would be burdensome to obtain them. Further, counsel for Plaintiffs agreed to accept Defendant Fannin's offer to come peruse his filing cabinets and find and copy these documents themselves. This seems to be the easiest answer to the allegedly burdensome nature of the requests and any issue regarding confidentiality can be easily (and is in fact routinely) resolved by entry of a confidentiality order. Thus, the motion to compel is **GRANTED**, and the documents shall either be produced or access will be granted to Plaintiffs' counsel for purposes of finding and copying these documents forthwith. If a confidentiality order is deemed necessary to protect some sensitive information contained in these files, the parties shall immediately begin negotiating the terms thereof and submit it to the Court for entry as soon as possible.

Plaintiffs also request an extension of the discovery deadline to allow time to study these documents and determine any other discovery necessary, but does not suggest a time frame. The Court will not venture to guess what additional time may be needed, but will instruct Plaintiffs to file a motion when they know what to ask for.

Motion for Protective Order

Defendant noticed the deposition of Plaintiff's counsel, Cheryl Cooper, and the parties agreed to stay the deposition until the motion for protective order could be resolved. Defendant, however, has not responded to Plaintiff's motion and without some clear and persuasive argument to the contrary, this Court will not order present trial counsel to be deposed, and her motion for protective order is **GRANTED**.

DONE AND ORDERED this 14th day of October, 2005

s/ A. KORNBLUM

ALLAN KORNBLUM
UNITED STATES MAGISTRATE JUDGE