

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 06-22452-CIV-GOLD/Turnoff

UNITED STATES EQUAL
EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

B.J.'S WHOLESALE CLUB, INC.,

Defendant.

ORDER

THIS CAUSE is before the Court upon Defendant's Motion to Compel Better Discovery Responses. **[DE 27]**. The Court has considered the written arguments, the applicable law, and the Court file. The instant Motion pertains to Interrogatories 14, 15, and 16, and Requests for Production 19 through 23, and 26 through 29.

The Interrogatories at issue sought, *inter alia*, specific acts that violated Title VII, specific actions taken to eliminate unlawful employment practices, and specific facts relied upon to support certain allegations made by Plaintiff. In answer to Interrogatory 14, Plaintiff referred Defendant to documents in the entire EEOC investigatory file that had been produced in response to Request for Production 1. In answer to Interrogatories 15 and 16, Plaintiff referred Defendant to a subset of documents within the EEOC investigatory file.

The Requests for Production at issue sought, *inter alia*, all documents supporting specific factual allegations in the Complaint and documents concerning allegations raised by other individuals employed by Defendant. In response to Requests 19 through 23,

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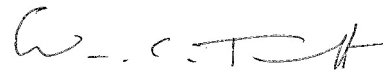
Plaintiff did not specifically identify responsive documents but rather directed Defendant to the non-privileged documents in the EEOC investigatory file. Defendant is not required to cull through documents to determine which ones are responsive to its requests. With respect to Requests 26 through 29, Plaintiff represented that it was not in possession of any additional responsive documents.

Accordingly, it is hereby **ORDERED AND ADJUDGED** that Defendant's Motion to Compel Better Discovery Responses [DE 27] is **Granted-in-part and Denied-in-part**. With respect to the Interrogatories, Plaintiff shall provide narrative responses. With respect to the Requests for Production, the objections raised with respect to Requests 19 through 23 as being overly broad are overruled. The objections were waived for failure to timely raise them. With respect to Requests 26 through 29, to the extent that Plaintiff represented that it is not in possession of any additional responsive documents, the Motion is **Denied**. To the extent that responsive documents have been already produced, Plaintiff shall identify with specificity which documents are responsive to which of these Requests.

Defendant's request for fees is **Denied without prejudice**.

Plaintiff is to comply with this Order forthwith.

DONE AND ORDERED in Chambers, at Miami, Florida, this 31st day of May 2007.



WILLIAM C. TURNOFF
UNITED STATES MAGISTRATE JUDGE

Copies provided to:
Honorable Alan S. Gold
Counsel of record