

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 02-22913-CIV-GRAHAM/GARBER

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

CEDARS HEALTHCARE GROUP, LTD.,
d/b/a COLUMBIA CEDARS MEDICAL
CENTER,

Defendant.

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ORDER

THIS CAUSE is before the Court on defendant's *ore tenus* motion for order to show cause and to compel Rule 45 production, *ore tenus* motion to compel discovery, and *ore tenus* motion to compel Rule 35 physical examination; and plaintiff's *ore tenus* motion to take two additional depositions, all of which the Court heard at the September 5, 2003, discovery motions calendar.

After due consideration, it is

ORDERED that:

(1) Defendant's motion for order to show cause and to compel Rule 45 production is DEFERRED pending the Court's receipt of documents regarding this request from non-party UniPrise a United Health Care Company.

(2) Defendant's motion to compel discovery is GRANTED in part, DENIED in part, DENIED AS MOOT in part, and DEFERRED in part. This motion is DENIED AS MOOT with respect to documents from the Social Security Administration, because after the September 5 hearing


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the parties settled their dispute regarding those documents. This motion is DEFERRED with respect to documents regarding plaintiff's motorized scooter, pending the Court's ruling on defendant's motion for order to show cause and to compel Rule 45 production. This motion is GRANTED with respect to the financial documents and bank statements that defendant seeks, and plaintiff shall provide those documents to plaintiff within ten (10) days of the date of this Order. Finally, this motion is DENIED with respect to defendant's request for information regarding plaintiff's previous settlement agreements. The settlement agreements would be relevant only if Heather Rockcastle testified at trial regarding what she would or would not have done to obtain a motorized scooter. However, such testimony would be irrelevant and inadmissible at trial, as it would not shed light on whether defendant violated the ADA. Therefore, the settlement agreements are also irrelevant to plaintiff's claims.

(3) As the Court stated in open Court at the September 5, 2003, hearing, defendant's motion to compel Rule 35 physical examination is GRANTED.

(4) As the Court stated in open Court at the September 5, 2003, hearing, plaintiff's motion to take two additional depositions is GRANTED.

DONE AND ORDERED in Chambers, Miami, Florida, this 5th day of September, 2003.


BARRY L. GARBER
UNITED STATES MAGISTRATE JUDGE

Copies supplied to:
United States District Judge Donald L. Graham
Lauren Greenbaum, Esq.
Christopher C. Copeland, Esq.

Tami Melgeorge
Legal Correspondence Representative/Claims
UniPrise a United Health Care Company
4316 Rice Lake Road
Duluth, MN 55811