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CLERK OF COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS, FLORIDA

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION**

**UNITED STATES EQUAL
EMPLOYMENT OPPORTUNITY
COMMISSION, ET AL.**

Plaintiff,

-vs-

Case No. 2:00-cv-409-FtM-29DNF

**KRONBERG BAGEL COMPANY D/B/A
BAKIN' BAGELS**

Defendant.

ORDER

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: PLAINTIFF'S MOTION TO COMPEL DISCOVERY
(Doc. No. 42)**

FILED: July 30, 2001

THEREON it is ORDERED that the motion is GRANTED.

The Plaintiff, the EEOC is requesting that the Defendant Kronberg Bagel Company d/b/a Bakin' Bagels ("Kronberg") be compelled to provide the following information pursuant to a Request for Production of Documents:

Request for Production No. 1

Please provide any and all employee rosters, including, but not limited to, payroll data, for Defendant's employees from January 1, 1997, through the present. Include their names, dates of birth, last known addresses, telephone numbers, social security numbers, positions, term of employment, and basis for separation.

Request for Production No. 2

Please provide any and all documents within your possession, custody or control which are or have been maintained with respect to the following individuals, including, but not limited to, personnel files, personnel action notices, notes kept by their supervisor(s), disciplinary documents and/or commendations. Include their last known addresses, social security numbers, dates of birth, positions, term of employment and basis for separation: [a list of 34 names followed this request]

Request for Production No. 7

Please provide the complete personnel files of John Bent, Ryan Lindemayer, Sean Mukaddam, Robert Nemerovsky, William Noel, John Schulze, John Finger, Bryan Hale, Mike Deblasi, and Chris Kronberg.

Kronberg objects to these requests claiming that they exceed the scope of permissible discovery. Kronberg claims that it has provided all individuals that are likely to have discoverable information in its Fed.R.Civ.P. 26(a)(1)(A) disclosures, and that disclosure contained only four of the individuals listed, namely John Finger, Bryan Hale, Mike Deblasi, and Chris Kronberg. These four have been deposed or are set for deposition, and Mr. Finger was interviewed by the Fair Employment Practices Agency and the Plaintiff has the agency's files. Kronberg argues that other than these four individuals, the Plaintiff has not offered any factual basis to believe that other people have any knowledge of the parties' claims or defenses. In an effort to resolve the issues, the Plaintiff agreed to narrow the scope

of the requests by requesting that the Defendant provide only the last known addresses, telephone numbers, and social security numbers for the individuals requested.

“Parties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party . . . Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence.” Fed.R.Civ.P.26(b)(1) Relevancy is broadly construed under the Federal Rules of Civil Procedure, however, courts have a duty to pare down overbroad discovery requests. *Rowlin v. Alabama Dep’t of Public Safety*, 200 F.R.D. 459, 461 (M.D. Ala, 2001) “The court should consider the totality of the circumstances, weighing the value of the material sought against the burden of providing it, discounted by society’s interest in furthering the truthseeking function.” *Id.*

In the instant case, the Complaint alleges that the Defendant violated Title VII by permitting sexual harassment at the workplace and failing to take prompt remedial action to correct these unwelcome sexual comments and physical contact which created a hostile work environment. The EEOC represents all similarly situated females employees. To determine the other similarly situated employees, the EEOC must have access to their names, addresses, telephone numbers and social security numbers. In addition, to gain knowledge of anyone who witnessed the alleged unlawful practices, the EEOC is entitled to contact former employees from the Bakin’ Bagel, Cape Coral location. The Court finds that the narrowed requests for only the names, last known addresses, telephone numbers and social security numbers is pared down sufficiently. Therefore, the Court finds that the EEOC’s Request for Production Nos. 1, 2 and 7 are relevant to the claims and appear reasonably calculated to lead to the discovery of admissible evidence.

It is further **ORDERED**:

The Defendant shall provide the names, last known addresses, telephone numbers, and social security numbers of the individuals requested from the Bakin' Bagels, Cape Coral location within twenty (20) days from the date of this Order.

MOTION: MOTION TO QUASH (Doc. No. 46)

FILED: August 16, 2001

THEREON it is ORDERED that the motion is GRANTED.

No response was filed to this motion, therefore, the Court finds the opposing parties do not object and the Motion to Quash is due to be granted.

MOTION: DEFENDANT'S EMERGENCY MOTION FOR PROTECTIVE ORDER (Doc. No. 47)

FILED: August 16, 2001

THEREON it is ORDERED that the motion is DENIED.

The Defendant is requesting that the Court enter an Order which would prohibit the Plaintiff and Intervenors from making inquiries into corporate entities other than Bakin' Bagels in which John

Kronberg has an interest. At the telephone hearing held on August 21, 2001, the Court held that these other corporate entities were intertwined with Bakin' Bagels in their hiring practices, training, supplies and billing and that there was a nexus between these corporations and Bakin' Bagels. Therefore, the Court permitted discovery as to these other corporations. That ruling applies to this Emergency Motion as well.

DONE and **ORDERED** in Chambers in Ft. Myers, Florida this 17th day of September, 2001.



DOUGLAS N. PRAZIER
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
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Date Printed: 09/17/2001

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