

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

Case No. 01-7543-CIV-SEITZ/ BANDSTRA

UNITED STATES E.E.O.C.,

Plaintiff,  
and

MARITZA OSORIO,

Plaintiff/Intervenor,  
v.

MORTGAGE INFORMATION  
SERVICES, INC.,

Defendant.

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U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
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D.C.

**ORDER**

THIS CAUSE came before the Court on Defendant Mortgage Information Services, Inc.'s Motion To Compel Plaintiff/Intervenor Maritza Osorio's Better Responses To Defendant's First Set of Interrogatories Nos. 11 and 14 and Request For Production of Documents Nos. 6 and 10 (D.E. 23) filed on July 11, 2002; and Defendant Mortgage Information Services, Inc.'s Motion To: (1) Compel Plaintiff United States EEOC's Better Response To Defendant's First Set of Interrogatories Nos. 1,2,3,8,9,12, and 13; (2) Strike the General Objections To Defendant's First Set of Interrogatories and Request For Production; and (3) Compel Plaintiff To Produce A Privilege Log or Produce the Documents Requested In Defendant's Request For Production of Documents Nos. 2 and 3 (D.E. 24) filed on July 31, 2002. Upon review of these motions, the responses thereto, if any, the court file and applicable law, it is hereby

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ORDERED AND ADJUDGED as follows:

(A) Defendant Mortgage Information Services, Inc.'s Motion To Compel Plaintiff/Intervenor Maritza Osorio's Better Responses To Defendant's First Set of Interrogatories Nos. 11 and 14 and Request For Production of Documents No. 6 and 10 (D.E. 23) is GRANTED since no response or objection thereto was filed by plaintiff/intervenor. As such, plaintiff/intervenor shall provide defendant with the requested discovery within five (5) days of the date of this Order.

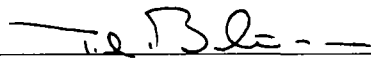
(B) Defendant Mortgage Information Services, Inc.'s Motion To: (1) Compel Plaintiff United States EEOC's Better Response To Defendant's First Set Of Interrogatories Nos. 1,2,3,8,9,12, and 13; (2) Defendant's Motion to Strike the General Objections To Defendant's First Set of Interrogatories and Request For Production; and (3) Defendant's Motion to Compel Plaintiff To Produce A Privilege Log or Produce the Documents Requested In Defendant's Request For Production of Documents Nos. 2 and 3 (D.E. 24) is DENIED.

The undersigned notes that Defendant Mortgage Information Services, Inc.'s Partial Withdrawal of its Motion To Compel the EEOC To Respond To Discovery (D.E. 15) filed on August 15, 2002, withdrew all previous demands for discovery from the EEOC except for the EEOC's response to Interrogatory No. 2. which requests that the EEOC identify all charges of discrimination that the plaintiff/intervenor has filed or sent to federal, state, or local agencies within the last ten years, and the name of the respondent, investigating agency, date of initiation, case number and the jurisdiction in which the matter was pending.

In an equal opportunity suit brought against an employer, the EEOC may properly withhold all information related to charges filed by a plaintiff against former, or other employers regardless of whether or not the defendant could discover from the plaintiff himself or herself information concerning the plaintiff's claims against other employers. Branch v. Phillips

Petroleum, 638 F.2d 873 (5<sup>th</sup> Cir. 1981). Information obtained by the EEOC during its efforts to conciliate employee's charges against employers is privileged against disclosure to other employers. Id at 880.<sup>1</sup> Defendant's posture "vis a vis other employers against whom [Maritza Osorio] has brought charges is not substantially different from that of any other member of the public," in terms of the confidentiality the EEOC owes employers and claimants against public disclosure as set forth in 42 U.S.C. 2000e-8 (2002). Id. Therefore, defendant's request for discovery relating to information in possession of the EEOC concerning other charges filed by Maritza Osorio with the EEOC or other governmental agencies, is not discoverable and privileged from disclosure from the EEOC.

DONE AND ORDERED in Chambers, at Miami, Florida, this 12<sup>th</sup> day of September, 2002.

  
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Ted E. Bandstra  
United States Magistrate Judge

Copies furnished to:

The Honorable Patricia A. Seitz  
All Counsel of Record

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<sup>1</sup> Cases decided by the former Fifth Circuit Court of Appeals prior to October 1, 1981 are binding as precedent on the Eleventh Circuit. Bonner v. City of Prichard, Alabama, 661 F.2d 1206, 1207 (11th Cir. 1981).