

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FILED

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

vs.

CASE NO.: 99-CV-1371-T-17A

RIO BRAVO INTERNATIONAL, INC.,
and INNOVATIVE RESTAURANT
CONCEPTS, INC., and APPLEBEE'S
INTERNATIONAL, INC., d/b/a RIO
BRAVO CANTINA,

Defendants.

ORDER

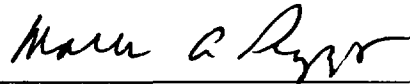
Before the Court is Defendants' Motion to Compel Production and to Reopen Kathryn Milcowitz' Deposition (doc. 57) and Plaintiff's response thereto (doc. 73). By their motion, Defendants seek to have this Court compel Plaintiff to produce a journal kept by Kathryn Milcowitz during a nine month time period from 1996 to 1997, and to reopen Ms. Milcowitz' deposition for the limited purpose to question her about particular journal entries. Plaintiff claims, after a reasonable and diligent effort to locate the journal, Ms. Milcowitz has been unable to locate the journal and, thus, cannot produce the journal to Defendants. Plaintiff also claims, even if the journal could be located, the entire journal is not subject to discovery because the journal contains both information concerning the Defendants employees and personal information dealing with every aspect of Ms. Milcowitz' private life.

Accordingly, it is hereby

ORDERED that:

1. Defendants' Motion to Compel Production and To Reopen Kathryn Milcowitz' Deposition (doc. 57) is DENIED.
2. Should Ms. Milcowitz locate her journal, Plaintiff is directed to supplement its response to Defendants' request for the journal in accordance with Federal Rules of Civil Procedure rule 26(e). At that time, Plaintiff may file a motion for protective order to limit disclosure of Ms. Milcowitz' journal.

DONE and ORDERED in chambers at Tampa, Florida on this 13 day of December, 2000.



Mark A. Pizzo
United States Magistrate Judge

Copies to: Counsel of Record