

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF GEORGIA
 ATLANTA DIVISION

JUN 10 2003
 DEPT. OF CLERK
 CIVIL ACTION NO.

EQUAL EMPLOYMENT
 OPPORTUNITY COMMISSION,
 :
 :
 Plaintiff, :
 :
 vs. :
 :
 ASI STAFFING, INC., d/b/a :
 OLSTEN STAFFING SERVICES, and :
 ADECCO NORTH AMERICAN, LLC, :
 :
 Defendants. :

CIVIL ACTION NO.
 1:02-CV-0786-CC

ORDER

Pending before the court in this action for gender and age discrimination is Plaintiff Equal Employment Opportunity Commission's ("Plaintiff" or "EEOC") Motion to Compel, for Sanctions and for an Extension of the Discovery Period.

Plaintiff served its First Continuing Interrogatories and Request for Production of Documents to Defendant ASI Staffing, Inc. d/b/a Olsten Staffing Services (referred to herein as "Defendant ASI" or corporately as "Defendants") on July 31, 2002, and Defendants responded to Plaintiff's requests on September 16, 2002. Plaintiff subsequently notified Defendants that certain of their responses were insufficient and requested that the responses be supplemented. On December 23, 2002, Defendants supplemented their responses, but Plaintiff did not receive Defendants' supplemental responses until December 30, 2002 after returning from the holidays. Because it was not aware that Defendants had supplemented their responses, on December 24, 2002, Plaintiff filed the instant motion to compel. Upon review of Defendants' supplemental responses, and through subsequent communications between counsel, many of the issues involved in Plaintiff's original

motion to compel have been resolved. Specifically, Plaintiff's motion to compel with respect to Interrogatory Nos. 4, 5, 7, 10, 15, and 16, and Request for Production Nos. 1 and 21 are no longer in dispute. As a result, Plaintiff has filed an amended motion to compel limited to the requests still at issue between the parties - Plaintiff's Interrogatory No. 6 and Request to Produce No. 2.

I. Interrogatory No. 6

Plaintiff's Interrogatory No. 6 states as follows:

Identify . . . all employees who worked at the Olsten Staffing locations in Georgia from January 1, 1999 to the present, inclusive For each employee so identified, state his/her name, last known address and phone number, age, sex, position(s) held, offices/locations where employed, dates of employment, and reason for termination of employment, if applicable.

Defendant ASI objected to this interrogatory as being overly broad and burdensome, claiming that it has 27 corporate branches, 4 licensees, 5 franchises and 2 technical offices in the state of Georgia and has hired over 47,000 associates in Georgia since January 1999. However, in its amended motion to compel, Plaintiff agreed to limit the scope of this inquiry to only those offices where Kathy Fionte and/or Gretchen Selby had a management role and to those persons who worked in those locations, excluding off-site temporary employees. Insofar as the court finds that the information sought by Plaintiff is relevant to the EEOC's claims of sex and age discrimination, and further, as the number of persons involved in this request (as limited by agreement of the parties) is not so numerous as to be unduly burdensome,¹ Plaintiff's motion to compel with respect to this interrogatory is GRANTED, and Defendants shall produce responsive information within ten (10) days of the date of this Order.

¹ Indeed, according to Ms. Fionte's deposition testimony, she supervised less than thirty employees at the various offices that she managed.

II. Request to Produce No. 2

In Request to Produce No. 2, Plaintiff seeks:

any and all documents referring or relating to any investigation initiated by Defendant in response to any complaint or report of age or sex discrimination ever received by Defendant from any employees located in the state of Georgia. This request includes, but is not limited to: the names and addresses of the persons conducting any such investigation; memoranda initiating the investigation; documents received during the investigation; and any report of the investigation and/or its outcome.

While Defendants argue that this request is overly broad and seeks documents protected by the attorney-client privilege and the work product doctrine, they have failed to provide a privilege log in accordance with Fed.R.Civ.P. 26(b)(5). Neither the court nor Plaintiff can assess whether any such privilege or protection applies to the requested documents without such information. Accordingly, within ten (10) days of the date of this Order, Defendants are DIRECTED to provide a privilege log to Plaintiff, to include the author(s) of any withheld documents, the nature of the documents, and the dates of the documents. The request shall be limited to offices supervised by Kathy Fionte and/or Gretchen Selby and limited to the time period from January 1, 1999 to the present.

CONCLUSION

Plaintiff's Motion to Compel [19-1] as amended [22-1] is GRANTED as set forth above. Plaintiff's request for sanctions [19-2] is DENIED. Plaintiff's request for an extension of the discovery period [19-3] is GRANTED. The discovery period shall be extended for a period of forty-five (45) days from the date of this Order. Any summary judgment motions must be filed within twenty (20) days after the conclusion of the extended discovery period.

SO ORDERED this 10th day of June, 2003.


CLARENCE COOPER
UNITED STATES DISTRICT JUDGE