

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**EQUAL EMPLOYMENT )  
OPPORTUNITY COMMISSION, )  
 )  
Plaintiff, )  
 )  
and )  
 )  
**LORI VAUGHN and BRENDA )  
CONNELL, )  
 )  
Plaintiffs-Intervenors, )  
 )  
vs. )  
 )  
**KROGER FOOD STORES, INC., )  
 )  
Defendant. )******

**FILED**  
FEB 08 2000  
THOMAS MURPHY,  
DISTRICT JUDGE  
SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS, ILLINOIS

**CIVIL NO. 99-4187-GPM**

**ORDER**

**MURPHY, District Judge:**

This matter is before the Court on Defendant's motion to dismiss (Doc. 12) and Plaintiff Equal Employment Opportunity Commission's (EEOC's) motion for a protective order (Doc. 35). The Court heard arguments on the motions on Monday, February 7, 2000. For the reasons more thoroughly explained on the record, Defendant's motion to dismiss (Doc. 12) is **GRANTED in part without prejudice** and **DENIED in part**. It is **DENIED** to the extent that it is based on EEOC's alleged failure to conciliate. Defendant's motion is **GRANTED** and the complaint is **dismissed without prejudice** to the extent that it is filed pursuant to Section 707 of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-6. EEOC is hereby **GRANTED LEAVE** to file an amended complaint on or before **February 28, 2000**, to cure the deficiencies in the original complaint, and the

Court waives the underlining requirement of Local Rule 15.1 of the United States District Court for the Southern District of Illinois.

EEOC's motion for a protective order (Doc. 35) is **GRANTED in part** and **DENIED in part**. It is **DENIED** to the extent that EEOC seeks to limit the content of the deposition testimony of its designated Federal Rule of Civil Procedure 30(b)(6) witness, Charles Bold. The motion is **GRANTED** such that the length of time for Mr. Bold's deposition shall not exceed five hours.

**IT IS SO ORDERED.**

**DATED:** 02/08/00

  
\_\_\_\_\_  
**DISTRICT JUDGE**