

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION, <i>et al.</i>)	
)	
Plaintiffs,)	CIVIL ACTION NO.
)	2:03-CV-237-PRC
v.)	
)	
U.S. BELL CORPORATION, <i>et al.</i>)	
)	
Defendants.)	

PROTECTIVE ORDER

This matter is before the Court on Plaintiff's Motion for Protective Order and Request for Expedited Ruling [DE 81], filed by the EEOC on December 3, 2004. The Defendants filed a response on December 8, 2004, and the EEOC filed a reply on December 10, 2004.

On November 9, 2004, the Defendants noticed three depositions of intervening plaintiffs scheduled for December 29 and 30, 2004, and January 3, 2005. On November 15, 2004, counsel for the EEOC notified counsel for the Defendants that both EEOC counsel had schedule conflicts with those dates. Subsequently, counsel from both sides discussed the possibility of changing the deposition dates, with the Defendant suggesting that the depositions could be moved if the EEOC agreed to extend the discovery deadline in order to allow for follow-up discovery, if necessary. On November 29, 2004, counsel for the EEOC wrote a second letter to counsel for the Defendants reaffirming that they were not willing to move the discovery deadline, requesting that the Defendant reschedule the depositions, and providing eight dates in January which were available to them. On November 30, 2004, counsel for the Defendants replied by letter and explained that the depositions could not be held earlier because outstanding discovery was required prior to the depositions and

that if the depositions were scheduled later, there would be inadequate time for additional discovery without an extension of the discovery deadline.

The Court is concerned by the parties' inability to resolve this matter on their own and agrees that this litigation has become especially contentious. Although the Court recognizes the time constraints upon the Defendant regarding outstanding discovery responses and the close of discovery, the Court also notes that counsel for the Defendants did not consult counsel for the EEOC prior to scheduling the depositions in question on this motion. The Court also finds that Counsel for the EEOC should have counsel present at the depositions, separate from counsel representing the intervening Plaintiffs. However, Counsel for the EEOC has not set forth any explanation for the inability of an EEOC attorney to be present at the depositions set for December 29 and 30, 2004, and January 3, 2005, other than to say that they are not available. In contrast, counsel for the Defendant has set forth court-related conflicts on January 5, 2005, and January 6, 2005, as well as the week of January 10, 2005, for the dates proposed by counsel for the EEOC.

Regardless, the parties are clearly at an impasse. Without attributing responsibility to either party for the failure to resolve this issue without court intervention, and in an effort to expedite the three depositions as well as to provide adequate time for follow-up discovery, the Court now **GRANTS** the Plaintiff's Motion for Protective Order [DE 81]. The Court **ORDERS** that counsel for the parties confer to find mutually agreeable dates and times for the three depositions currently scheduled for December 29, 2004, December 30, 2004, and January 3, 2005, but that January 5, 2005, January 6, 2005, and the week of January 10, 2005, shall *not* be considered as potential dates and December 29, 2004, December 30, 2004, and January 3, 2005, may still be viable dates for the depositions. The Court strongly **SUGGESTS** that the parties resolve this dispute without resort to

further Court intervention.

In addition, the Court *sua sponte* **VACATES** the February 1, 2005 discovery deadline and **RESETS** the discovery deadline for **February 21, 2005.**

The Court **DENIES as moot** the request for an expedited briefing schedule [DE 81].

The Court further **ADVISES** the parties that, in light of the August 15, 2005 jury trial setting, the Court will look with disfavor on any requests for extension of the dispositive motion deadline.

So ORDERED this 14th day of December, 2004.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL CHERRY
UNITED STATES DISTRICT COURT

cc: All counsel of record