

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION
LONDON

CIVIL NO. 01-339-KKC

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

PLAINTIFF

VS:

ORDER

WAL-MART STORES, INC.

DEFENDANT

* * * * *

The Court considers discovery motions filed by the EEOC herein, specifically a motion to quash certain subpoenas and a motion to compel the occurrence of certain depositions. Defendant Wal-Mart has responded. *See* DE## 153 (motion to quash), 155 (emergency motion) and ____ (undocketed responses of Wal-Mart) .

Based on the imminent character of the issues, the Court promptly conducted a hearing at which both parties had ample opportunity at argument. For the reasons stated on the record, the Court orders the following:

1. The Court grants in part and denies in part the motion to quash. Categories 1-5 on the list of documents concern tangible evidence regarding the particular witness's hiring experience, relationship to Wal-Mart, or knowledge of gender animus and therefore are appropriate for class member deponents in this action. The Court denies the motion as to those categories. The Court grants the motion as to Categories 6-7 except to the extent those categories seek responsive documents from an unrepresented class member or seek responsive documents that came into existence prior to commencement of the representation of a class member by the EEOC.

Category 8 purports to impose duties with respect to assertion of a privilege, and the Court would limit those duties to any imposed by the Civil Rules.

2. After discussion with the parties, the depositions set for the remainder of this week, beginning August 1, shall occur as scheduled, thus resolving prospective issues raised in DE# 155.
3. The EEOC shall not direct a witness served with a subpoena not to produce documents or answer questions based only on the manner of service by Wal-Mart.
4. The Court does not purport to resolve, by this Order, any privilege issues. The Court encourages the parties to consider thoughtfully the proper contours of a privilege before blocking testimony or discovery based on assertion of such privilege, and the parties must cooperate to create a meaningful basis for evaluation in the event of a privilege assertion.
5. The parties will convene for the previously-scheduled status conference on August 3, 2007 at 1:30 p.m.

This the 31st day of July, 2007.



Signed By:

Robert E. Wier *REW*

United States Magistrate Judge