

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

2000 APR 18 P 4:45

LORETTA G. WHITE
CLERK
LM

MINUTE ENTRY
SHUSHAN, M.J.
APRIL 17, 2000

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

CIVIL ACTION

VERSUS

NO: 99-2884

LAKESIDE IMPORTS, INC.
dba LAKESIDE TOYOTA

SECTION: "S" (1)

HEARING ON MOTION

APPEARANCES: (By Telephone on April 4, 2000)
Greg Juge
Ralph Zatzkis
Scott D. Schneider
E. Wade Shows
Tony Clayton

MOTION: MOTION OF PLAINTIFF, EEOC, FOR A PROTECTIVE ORDER

DENIED.

Plaintiff, the United States Equal Employment Opportunity Commission (EEOC), filed a motion seeking entry of a protective order relative to depositions which were scheduled for April 13

DATE OF ENTRY

APR 19 2000

Fee _____
Process _____
X/ Dated 1/9 _____
Clerk _____
Doc. No. 38 _____

and 14, 2000. Specifically, mover sought to have two key witnesses of Lakeside Imports, Inc. (Lakeside), Keith Hanks and John Prindle, sequestered from each other's depositions and not be permitted to read each other's depositions until after each had been deposed.

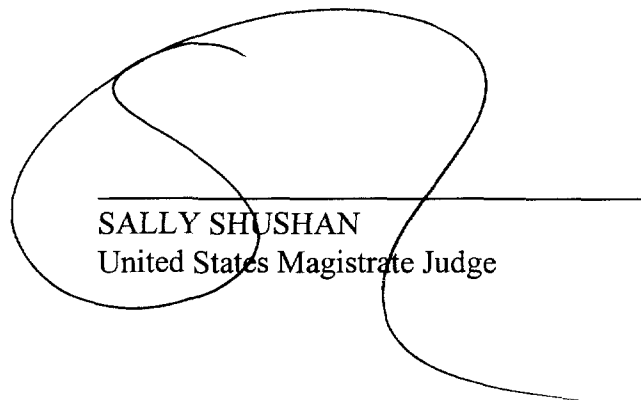
Hanks has been designated as the corporate representative of Lakeside Toyota for purposes of the discovery depositions which will be taken in this matter. Lakeside therefore has the right to have Mr. Hanks attend every deposition taken. In addition, the parties have stipulated that Mr. Hanks' deposition will be taken prior to Mr. Prindle's deposition, so that Mr. Hanks' testimony will not be colored by what he hears in Mr. Prindle's deposition.

As to Mr. Hanks' presence possibly having an intimidating effect on Prindle,¹ plaintiff has not made a showing of need for sequestration of witnesses during the discovery depositions as required by the Fifth Circuit in In re: Terra International, Inc., 134 F.3d 302, 306 (5th Cir. 1998). The motion is therefore denied.

By way of further clarification of the procedure to be used during future depositions, each party is instructed to enroll its attorney(s) as counsel of record. In any deposition, one attorney for each party will be allowed to question a witness. The parties are cautioned that repetitive questioning of any witness by successive attorneys for either the plaintiffs or the defendants will not be allowed.

¹ Carried to its logical extreme, the EEOC's argument would have the court hold that Mr. Hanks, as General Manager of Lakeside, would be precluded from attending any Lakeside employee's deposition because he is potentially intimidating to all.

Finally, during the course of depositions, the parties are instructed that any witness being deposed, whether a fact witness, a plaintiff, or a defendant, is prohibited from speaking with other witnesses (whether plaintiffs, defendants or fact witnesses) until the deposition is completed.



SALLY SHUSHAN
United States Magistrate Judge