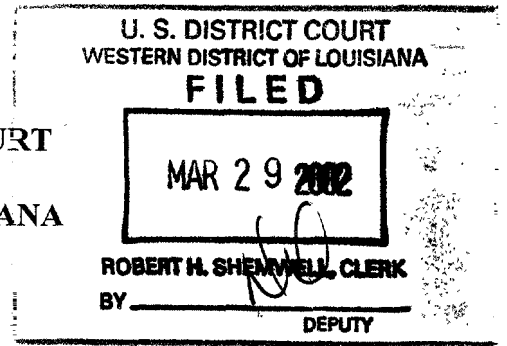


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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION



U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

CIVIL ACTION NO. 00-2238

VERSUS

JUDGE ROBERT G. JAMES

K & B LOUISIANA CORPORATION
d/b/a RITE AID

MAG. JUDGE KAREN L. HAYES

RULING

On February 6, 2002, Magistrate Judge James D. Kirk issued an order (1) granting the U.S. Equal Employment Opportunity Commission's ("EEOC") motion for expedited hearing on its motion to quash and for protective order regarding the 30(b)(6) deposition requested by K&B Louisiana Corporation d/b/a Rite Aid ("Rite Aid") of an EEOC representative; (2) postponing the requested deposition until after court review of the documents and privilege log which the EEOC was ordered to produce; and (3) granting Rite Aid's motion for protective order regarding the deposition of Craig M. Cousins. This Court affirmed Magistrate Judge Kirk's order on February 15, 2002.

The action was subsequently reassigned to Magistrate Judge Karen L. Hayes. On March 7, 2002, Magistrate Judge Hayes issued an order granting the EEOC's motion to quash and for protective order regarding the 30(b)(6) deposition of an EEOC representative. Magistrate Judge Hayes concluded, "the materials are either irrelevant or are privileged, constituting attorney work product, and/or attorney-client communications. Furthermore, the documents contain no information which could possibly support a claim that the plaintiff was unjustified in pursuing

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this action.” Ruling and Order issued March 7, 2002 [Doc. No. 88], p. 2.

On March 13, 2002, Magistrate Judge Hayes ruled on a motion filed by Rite Aid for reconsideration of her March 7, 2002 order. Magistrate Judge Hayes noted that this Court had previously affirmed Magistrate Judge Kirk’s ruling that Rite Aid’s 30(b)(6) deposition of an EEOC representative could proceed. Magistrate Judge Hayes stated, “the 30(b)(6) deposition of a representative of the EEOC may take place, and the EEOC may preserve its objection to any questions asked, but the witness must answer the question, except as to any documents as to which the court has upheld the EEOC’s claim of privilege.” Ruling and Order issued on March 13, 2002 [Doc. No. 91].

Before the Court is Rite Aid’s appeal of Magistrate Judge Hayes’ March 6 and March 13, 2002 orders [Doc. No. 93].

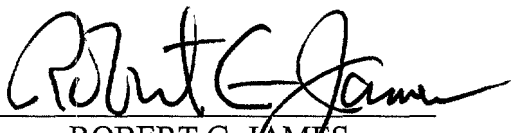
A magistrate judge’s non-dispositive pretrial order is reviewable under the clearly erroneous and contrary to law standard. 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a).

Following a review of the record, the Court finds that Magistrate Judge Hayes’ March 6 and March 13, 2002 orders are not clearly erroneous or contrary to the law. Accordingly,

Accordingly, Rite Aid’s “Objections To Certain Aspects Of Magistrate Judge Hayes’ March 6, 2002 and March 13, 2002 Rulings And Orders On The EEOC’s Motion To Quash And Motion For Protective Order” [Doc. No. 93] is DENIED, and Magistrate Judge Hayes’ orders [Docs. No. 88 and 91] are AFFIRMED.

MONROE, LOUISIANA this 28 day of March, 2002.

COPY SENT:
DATE: 3-29-02
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ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE