

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

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EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
RRR BOWIE, LLC d/b/a TOYOTA OF )  
BOWIE )  
 )  
Defendant. )  
\_\_\_\_\_ )

Civil Action No. RWT-05-2697

**ORDER**

A Motions Hearing was convened on October 25, 2006 to resolve two discovery disputes. Plaintiff's Emergency Motion to Quash Subpoena Issued to Charging Parties' Current and Former Employers (Document No. 22) was **DENIED** for the reasons stated at the hearing. The Court **REMOVED** the August 15, 2006 restriction (Document No. 24) on Defendant to segregate and not review subpoenaed documents. Defendant's Motion for Order Compelling Discovery (Document No. 27) was **GRANTED IN PART & DENIED IN PART** as summarized below.

1. The Court ORDERED Plaintiff to produce voluntarily the federal tax returns and W-2s of the two charging parties (Phillip Kennedy and Charles Dyer) for a five year period (1999 to 2005). The redaction shall be done by counsel for the parties jointly. If Kennedy and Dyer are unable to produce their federal tax returns, then Kennedy and Dyer must sign authorizations for the year(s) they cannot produce. If the trial occurs next year, before April 15, 2007, the charging parties will be required to provide their 2006 W-2s.

2. Regarding Interrogatory No. 22, Plaintiff must re-answer. If Plaintiff does not have information to provide (because charging parties are unable to recall after due diligence), Plaintiff must state it is unable to provide this information.

3. Regarding Interrogatory No. 23, Court will not order this interrogatory to be answered because it has been. Plaintiff of course has a continuing obligation to supplement.

4. Regarding Interrogatory No. 25, the Court found this interrogatory extremely narrow concerning time absent from work. Defendant offered to limit this interrogatory from seven years to five years (2000 to 2005) and to expand this interrogatory from one week to three weeks. The Court found this interrogatory too attenuated and declined to order Plaintiff to answer.

5. The Court ORDERED Plaintiff to produce Kennedy's pay plans, in Kennedy's possession at home, which Kennedy agreed to produce during his deposition (and requested by Defendant in its Notice of Deposition).

6. The Court ORDERED Plaintiff to produce Kennedy's schedule of pay or "daily logs" showing deals by person, comparing performance with others for the months of August and September, which Kennedy agreed to produce during his deposition (and requested by Defendant in its Notice of Deposition).

7. The Court ORDERED Plaintiff to produce Kennedy's pay stubs from Toyota Bowie, which Defendant requested in its Notice of Deposition.

8. The Court ORDERED Plaintiff to have Kennedy check his records for a copy of the list of deals requested by Schrembs which Kennedy mentioned during his deposition. If Kennedy has a copy of the list, it must be produced. If Kennedy no longer has a copy of the list,

Plaintiff must affirmatively state that Kennedy is unable to find the list.

9. The Court ORDERED Plaintiff to produce original copies of Exhibit 6 (Statement) and Exhibit 7 (Agreement) from Kennedy, which Defendant requested in its Notice of Deposition. If Kennedy does not possess these documents, then Plaintiff must affirmatively state so in its answer.

10. The Court ORDERED that if Dyer possesses his DarCars New Carrollton Pay Plan, which Defendant requested in its Notice of Deposition, Plaintiff must produce it.

11. The Court ORDERED Plaintiff to comply with this Order [supplemental answers and production of documents] within 20 days from October 25, 2006.

The Court **TOOK UNDER ADVISEMENT** Defendant's request for attorney's fees.

October 31, 2006  
Date

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/s/  
WILLIAM CONNELLY  
UNITED STATES MAGISTRATE JUDGE