

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

BENSON EVERETT LEGG
Chief Judge

101 West Lombard Street
Baltimore, Maryland 21201
410-962-0723

November 22, 2005

MEMORANDUM TO COUNSEL RE: United States Equal Employment Opportunity
Commission, et al. v. Worthington, Moore, &
Jacobs, Inc.,
Civil No. L-04-3127

Dear Counsel:

I held a hearing today to resolve pending motions and to approve a new scheduling order. Counsel for the EEOC, Ms. Turner, Ms. Guzman, and Worthington Moore & Jacobs were present. On those motions, the Court orders as follows:

i) The joint motion to extend the scheduling order (Docket No. 41) is GRANTED. The discovery deadline is now January 9, 2006. On that date, counsel shall submit a status report, confirming that discovery has ended and suggesting a briefing schedule for dispositive motions. Additionally, counsel are permitted 40 deposition hours.

ii) Ms. Guzman's motion to amend the complaint (Docket No. 39) is GRANTED. On or before November 28th, Ms. Guzman is required to produce any documents in her possession related to or supporting her COBRA claim.

iii) The motion to disqualify (Docket No. 42) is DENIED.

iv) The motion to compel an answer to the EEOC's interrogatory #3 (Docket No. 38) is GRANTED IN PART and DENIED IN PART, as follows:

a. Harassment Claims

Defense counsel shall provide a list that identifies (separately) past and present employees. Plaintiffs' counsel may interview former employees, excluding Mark Muffoletto, but they cannot elicit information protected by the attorney-client privilege. Defense counsel should also identify which current employees are part of management and must be deposed rather than interviewed. If plaintiffs' counsel believe this list to be too broad in scope and cannot resolve the issue with opposing counsel, they may ask the Court to review the list. This Court is not requiring any employee, whether past or present, to submit to an interview. Defense counsel has ten (10) days from the date of this order to provide the required lists.

b. Retaliation Claims

Plaintiffs' counsel must identify the specific acts of retaliation within ten (10) days of the date of this order. Defense counsel will then have ten (10) days to respond with an answer to interrogatory that addresses each claim, identifies any documents

concerning the incidents, and identifies potential witnesses who know about the incidents.

v) The motion to compel deposition testimony (Docket No. 46) is GRANTED. The e-mail messages at issue are not covered by the attorney-client privilege, and Mr. Caprario must respond to questions about them. Defense counsel has leave to subpoena the relevant computer for data recovery.

Despite the informal nature of this memorandum, it shall constitute an Order of the Court and the Clerk is directed to docket it accordingly.

Very truly yours,

/s/

Benson Everett Legg

c: Court file