

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

**CIVIL MOTION HEARING**

Equal Employment Opportunity Commission,  
Plaintiff

v.

KCD Construction, Inc.,  
Defendant.

**COURT MINUTES**

BEFORE: Susan Richard Nelson  
U.S. Magistrate Judge

Case No: CV-05-2122 DSD/SRN  
Date: February 24, 2006  
Court Reporter: None  
Tape Number: 519, 520  
Time Commenced: 9:30 a.m.  
Time Concluded: 10:30 a.m.  
Time in Court: 1 hour

**APPEARANCES:**

For Plaintiff: Tina Burnside  
For Defendant: Stephen M. Thompson

Interpreter / Language: n/a /

IF MOTION IS RULED ON PLEASE INCLUDE DOCUMENT NUMBER AND TITLE APPEARING IN CM/ECF.  
**ORDER TO BE SUBMITTED BY:**  COURT  PLAINTIFF  DEFENDANT

**PI's Motion for Protective Order [Doc. 21]**

**PI's Motion to Compel [Doc. 25]**

**Def.'s Motion to Compel [Doc. 32]**

The Court ruled from the bench on each of the above motions. These minutes constitute the Order of the Court.

Plaintiff's Motion for Protective Order (Doc. No. 21) is **GRANTED** as follows:

The motion is granted except to the extent that Defendant may ask a charging party at his deposition if he identifies himself to others or requests others to refer to him by a name different from his legal name and, if so, the charging party may be asked to provide such name(s). Discovery into the citizenship or legal status of the charging parties will not be permitted.

Plaintiff's Motion to Compel (Doc. No. 25) is **GRANTED in part and DENIED in part** as follows:

Personnel Files (Request Number 2): Defendant is ordered to ensure that a thorough search of its records has been conducted and that any responsive documents be provided to Plaintiff. Defendant is ordered to supplement its response to state that a thorough search has been conducted and that all responsive materials have been produced.

Financial Records and Tax Returns (Request Number 8): Defendant is ordered to produce the documents listed in Plaintiff's Document Request Number 8 from January 1, 2002 to the present. Plaintiff shall stipulate to not using these documents outside of the present litigation.

Privilege Log (Request Number 1): The Court finds that Defendant's privilege log is insufficient but finds that Defendant has not waived its attorney-client privilege or work-product objections. Defendant shall

produce to Plaintiff within ten days of the date of this Order a privilege log identifying for each document: (1) the creation date; (2) a description; (3) the author; (4) all recipients; (5) whether it is privileged on the basis of attorney-client, opinion work-product, or ordinary work-product. If after review, Plaintiff finds the privilege log to remain deficient, the parties shall meet and confer to attempt to resolve their differences. If after said meet and confer a dispute remains, Plaintiff shall schedule a status conference with the Court to resolve any remaining issues concerning Defendant's privilege log.

Statements Related to Charging Parties' Claims (Request Number 3): To the extent Defendant has not produced these documents based upon attorney-client privilege or work-product objections, Defendant shall list each document in its privilege log in compliance with the requirements identified above.

Scheduling of Depositions: Kenneth, Chad, and Dennis Doeden shall be produced for deposition for two days in the month of March 2006. Within five (5) days of the date of this Order, Defendant shall provide Plaintiff with a list of days in March 2006 on which the Doedens may be deposed. The charging parties shall be produced for depositions in Worthington, Minnesota in early April 2006.

Defendant's Motion to Compel (Doc. No. 32) is **GRANTED in part and DENIED in part** as follows:

With respect to Interrogatory Number 14a-b (concerning names used by the charging parties), Defendant's motion is denied except as discussed above in ruling on Plaintiff's Motion for a Protective Order.

With respect to Defendant's request for unredacted copies of cassette tapes possessed by Plaintiff, the Court grants the alternative relief requested and orders Plaintiff to produce the redacted material to the Court within ten (10) days of the date of this Order for an in camera review. The Court will thereafter issue an Order ruling on Defendant's Motion to Compel with respect to this redacted material.

NO OTHER ORDER TO BE ISSUED

s/ Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States Magistrate Judge