

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
and)
)
MOHAMMED SHANIF HUSSEIN)
)
Plaintiff-Intervenor,)
)
v.)
)
TRANS STATES AIRLINES, INC.)
)
Defendant.)

CIVIL ACTION NO.:
4:03CV00964TCM

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ORDER ON MOTION TO COMPEL.28

On February 23, 2004, Defendant Trans States Airlines, Inc., ("Trans States") filed a Motion to Compel, requesting the Court Compel the production of documents responsive to Defendant's First Set of Interrogatories and First Request for Production of Documents to Plaintiff-Intervenor. Plaintiff-Intervenor filed its Response to Defendant's Motion to Compel reiterating his objections to the interrogatories and document requests at issue. On March 10, 2004, this Court heard the positions of both parties and orders as follows:

Defendant Trans States Motion to Compel is granted in part and denied in part. The court denies Defendant's motion to compel in respect to the medical records of Plaintiff-Intervenor. Plaintiff-Intervenor has previously provided all his W-2 forms for 2001, 2002, and 2003, as well as his complete federal income tax returns for 2001 and 2002. Plaintiff-Intervenor is ordered to supplement his W2 and tax records as available. Plaintiff-Intervenor has agreed to provide

documents which describe the fringe benefits provided by his present employer. Accordingly, Defendant's motion to compel in respect to these items is denied as moot. The court denies Defendant's motion to compel in respect to all other employment records of Plaintiff-Intervenor of his employers after his discharge by Defendant.

Plaintiff-Intervenor is hereby ordered to produce redacted credit card statements showing all charges for the period of time including September 11, 2001 through September 18, 2001 wherein the payee is Skooners, Inc., Kung Jeon Lounge, or Howard Johnson. Counsel for Plaintiff-Intervenor shall review all credit card statements and confirm that all payments to Skooners, Inc., Kung Jeon Lounge, or Howard Johnson are produced. Payments other than those for the time period including September 11, 2001 through September 18, 2001 to payees Skooners, Inc., Kung Jeon Lounge, or Howard Johnson shall be redacted. Account numbers shall be redacted. Plaintiff-Intervenor shall provide the account numbers for any credit cards or accounts by which payments to Skooners, Inc., Kung Jeon Lounge, or Howard Johnson were made to the establishments at issue for verification of the charges and to obtain all documentation of said charges. Plaintiff intervenor is hereby ordered to produce all documentation relating to said charges. This production is limited in time and scope with the understanding Plaintiff-Intervenor will withdraw, in writing, his claim for damages for interest and fees incurred on his credit cards.

Plaintiff-Intervenor is hereby ordered to produce the employment application file for his applications for employment with Aloha Airline and Cathay Pacific Airline.

Plaintiff-Intervenor is hereby ordered to produce a medical record which shows when Ferina Ali was notified that of a positive test for pregnancy in or around September 2001. The medical record provided may be redacted to remove personal information not related to the date

of the notification of pregnancy.

The court orders the information produced by Plaintiff-Intervenor pursuant to this Order to be held in confidence by all counsel, except such information may be disclosed to the extent necessary for its use at trial. Account numbers and financial information will be disclosed only to counsel of record in this action and to those acting under the direction and control of such counsel. The documents and all copies thereof produced by Plaintiff-Intervenor pursuant to this Order shall be returned to Plaintiff-Intervenor immediately upon the final conclusion of this litigation.

SO ORDERED

Dated this 4th day of June, 2004.

A handwritten signature in black ink, appearing to read 'Thomas C. Mummert, III', written over a horizontal line.

THOMAS C. MUMMERT, III
UNITED STATES MAGISTRATE JUDGE