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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

U.S. EQUAL EMPLOYMENT )  
OPPORTUNITY COMMISSION, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
GNLV CORP., etc., et al., )  
 )  
Defendants. )

Case No. 2:06-cv-01225-BES-PAL

**ORDER**

(M/Compel - #16)  
(M/Protective Order - #17)  
(M/Compel - #18)

Before the court are a series of motions concerning the parties' discovery disputes: Plaintiff EEOC's Motion to Compel Discovery (#16), Defendant's Motion for Protective Order Concerning the Scope of Discovery Requested by Plaintiff and Confidentiality of Documents (#17), and Defendant's Motion to Compel Answers to Defendants' First Set of Interrogatories and First Request for Production of Documents (#18). The court has considered the motions, Oppositions (## 25, 23, 24), Notice of Errata (#26), Replies (## 27, 28, 29), and the arguments of counsel at a hearing conducted February 12, 2008. During the hearing, the court indicated that both parties would be compelled to further respond to discovery requests and that the court would enter a written order given the volume of the moving and responsive papers and number of disputes at issue.

**BACKGROUND**

This is an action by the U.S. Equal Employment Opportunity Commission ("EEOC") against defendant GNLV Corp., d/b/a Golden Nugget Hotel and Casino, which alleges the defendant subjected a class of employees to a hostile work environment based on their race and sex. The EEOC brought this action on behalf of a charging party, and other similarly situated employees. The EEOC  
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1 alleges the unlawful conduct occurred “since at least September 1, 2002.” The pending motions all  
2 involve disputes over the scope of permissible discovery.

3 Having reviewed and considered the matters,

4 **IT IS ORDERED:**

5 1. Plaintiff EEOC’s Motion to Compel Discovery (#16) is GRANTED in part and  
6 DENIED in part. The motion is GRANTED to the extent that:

- 7 a. Defendants shall supplement answer to Interrogatory No. 8 to provide all of the  
8 information contained in subparagraphs “a,” “c,” and “e” through “i” for dealers  
9 employed at the Golden Nugget for the period of January 1, 2002 through the  
10 present.
- 11 b. Defendants shall supplement response to Request for Production No. 21 for the  
12 period of January 1, 2002 to the present.
- 13 c. Defendants shall supplement response to Request for Production No. 41 by  
14 providing information from the identified employees’ personnel files pertaining  
15 to their training concerning the defendant’s EEOC and other employment  
16 policies, disciplinary record and history, employment qualifications, and  
17 employment history for the period of January 1, 2002 to the present.
- 18 d. Defendants shall supplement their response to Request for Production No. 44 to  
19 produce documents concerning customer complaints about Golden Nugget  
20 dealers involving alleged rude or discourteous treatment, and/or the type of  
21 treatment about which the EEOC complains in this case, *i.e.*, race and gender  
22 discrimination, hostile work environment, intimidation and threats of physical  
23 force and use of racial epithets for the time period from June 24, 2002 to the  
24 present.
- 25 e. Defendants shall supplement their response to Request for Production No. 45 to  
26 provide documents which reflect or refer to GNLV Corporation’s response to  
27 complaints about Golden Nugget dealers identified in response to Request for

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1 Production No. 44, including documents pertaining to discipline of the employee  
2 about whom the customer complained for the time period from June 24, 2002 to  
3 the present.

4 f. Defendants shall supplement their response to Request for Production No. 46 by  
5 providing the last known address, telephone number, and date of birth for Bernie  
6 Martini. The defendant shall be compelled to provide Mr. Martini's social  
7 security number only if the EEOC is able to meet its burden of demonstrating  
8 that despite the exercise of reasonable diligence it has been unable to locate Mr.  
9 Martini.

10 g. With respect to Request for Production No. 31 which requests "all documents"  
11 pertaining to GNLV Corp.'s financial condition including financial statements,  
12 and/or reports, balance sheets, assets and liability statements, and profit and loss  
13 statements for the period of January 2001 to the present, the court will DENY the  
14 motion to compel at this time. The EEOC indicates it seeks discovery of the  
15 defendant's financial condition because of its claim for punitive damages. The  
16 EEOC does not assert that this information is otherwise discoverable. In the  
17 event the EEOC's punitive damages claim survives summary judgment,  
18 defendant shall produce its financial statements, annual reports, balance sheets,  
19 assets and liability statements, and profit and loss statements for the time period  
20 of January 1, 2002 through the present within **fifteen days** of decision of any  
21 dispositive motion.

22 h. The motion is DENIED in all other respects.

23 2. Defendant's Motion for Protective Order Concerning the Scope of Discovery Requests  
24 by Plaintiffs in Confidentiality of Documents (#17) is GRANTED in part and DENIED  
25 in part. The motion is GRANTED to the extent the court has limited the scope of the  
26 EEOC's discovery requests at issue here in the preceding subparagraphs. The motion is  
27 also GRANTED to the extent the court will enter a separate protective order concerning

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1 confidentiality of documents produced in discovery. The motion is DENIED in all other  
2 respects.

3 3. Defendant's Motion to Compel Answers to Defendant's First Set of Interrogatories and  
4 First Request for Production of Documents (#18) is GRANTED in part and DENIED in  
5 part. The motion is GRANTED to the extent that:

6 a. The EEOC shall supplement its answer to Interrogatory No. 11 by providing  
7 information concerning the evaluations and/or treatments of any class members  
8 for whom a claim is made that he or she suffered any physical or emotional  
9 injury, illness or condition by virtue of the defendant's conduct. The answer to  
10 the interrogatory shall identify the type of harm or damage claimed and the  
11 doctor, hospital, or health care professional involved in such treatment. The  
12 information shall be provided for the time period from January 1, 2002 to the  
13 present.

14 b. The EEOC shall supplement its answer to Interrogatory No. 14 to provide the  
15 information sought as to any employee other than Ervin Nixon and Susan Fein  
16 for whom the EEOC seeks to recover back pay and/or front pay.

17 c. The EEOC shall supplement its response to Request for Production No. 2 by  
18 providing responsive documents concerning communications between the six  
19 claimants and the persons or entities specified.

20 d. The EEOC shall supplement its response to Request for Production No. 3 by  
21 providing responsive documents concerning communications between the six  
22 claimants and the persons or entities specified.

23 e. The EEOC shall supplement its response to Request for Production No. 7 by  
24 providing responsive documents concerning communications between the six  
25 claimants and the persons or entities specified.

26 f. The EEOC shall supplement its responses to Requests for Production of  
27 Documents Nos. 16 through 21 by providing the income tax returns for any  
28 claimant for whom front pay and/or back pay is sought.

- 1 g. The EEOC shall supplement its response to Request for Production No. 22 to  
2 produce responsive documents for any claimant for whom back pay and/or front  
3 pay is sought.
- 4 h. The EEOC shall supplement its response to Request for Production No. 23 to  
5 produce responsive documents for any claimant for whom back pay and/or front  
6 pay is sought.
- 7 i. The EEOC shall supplement its response to Request for Production No. 24 to  
8 produce responsive documents for any claimant for whom back pay and/or front  
9 pay is sought.
- 10 j. With respect for Request for Production No. 13 which requests documents and  
11 materials created, reviewed, or relied upon by any expert witness expected to  
12 testify at trial, the motion to compel is DENIED at this time as premature.  
13 However, defendants may obtain these materials after the expert witness  
14 disclosures have been made in accordance with the court's discovery plan and  
15 scheduling order.
- 16 k. The motion is DENIED in all other respects.

17 4. Both parties shall provide the supplemental responses required by this order **no later**  
18 **than March 27, 2008.**

19 Dated this 7th day of March, 2008.

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21   
22 PEGGY A. LEEN  
23 UNITED STATES MAGISTRATE JUDGE  
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