

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,) Civil. No. 05-1521-HO
)
)
v.) ORDER
)
GABRIEL PARRA, TONY RODRIGUEZ, Jr.,)
and T.J. HEBERT)
)
Plaintiff Intervenors,)
)
)
v.)
)
QWEST CORPORATION,)
)
Defendant.)
_____)

Plaintiff EEOC alleges that defendant Qwest discriminated against plaintiff intervenors because it disciplined and terminated them on the basis of their national origin. Plaintiff intervenors each worked as network technicians, driving company vehicles to

service calls throughout the work day. Defendant Qwest claims that its discipline of plaintiff intervenors ensued after it received a customer complaint alerting Qwest to the presence of a company truck located in front of plaintiff intervenor T.J. Hebert's home during work hours. That customer now seeks to intervene for the purposes of seeking a protective order prohibiting the disclosure of his/her identity.

Customer Doe does not have a sufficient interest in the outcome of this litigation or any common questions of law or fact with the claims in this case to merit intervention. See Fed. R. Civ. P. 24. Accordingly, the motion to intervene is denied. However, lack of party status does not prevent Customer Doe from seeking a protective order.

Pursuant to Fed. R. Civ. P. 26(c), the person from whom discovery is sought can, for good cause shown, move the court for a protective order. Customer Doe seeks to prohibit disclosure of his identity based on personal safety fears and fear of harm to his/her family, but Customer Doe has declined to reveal the facts upon which Doe basis his/her fears out of concern that it may alert plaintiff intervenors to his/her identity.

The identity of Customer is discoverable and without an affidavit from Customer Doe detailing the basis for his/her fears, the court cannot determine whether there is good cause for granting a protective order. In an attempt to address Does' concerns, Qwest

has submitted, and intervenors have not objected to, a proposed protective prohibiting plaintive intervenor from contacting Customer Doe. However, Doe still requests prohibition of disclosure of his identity and objects to the proposed order. Accordingly, the motion for protective order is denied at this time. Doe may again apply for a protective order and submit an affidavit under seal directly to the court for in camera consideration.

CONCLUSION

For the reasons stated above, Customer Doe's motion to intervene (#43) and motion for a protective order (#44) are denied.

DATED this 4th day of December, 2006.

s/ Michael R. Hogan
United States District Judge