

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

EQUAL EMPLOYMENT OPPURTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	Civil Action No. 2:06-cv-02624
v.)	
)	Judge McCalla
PARAMOUNT STAFFING, INC.,)	Magistrate Judge Cohn
)	
Defendant.)	JURY DEMAND
)	

ORDER GRANTING DEFENDANT’S MOTION FOR PROTECTIVE ORDER

Before the Court is Defendant’s Motion for Protective Order (D.E. #18) and Plaintiff’s Response in Opposition (D.E. #25). Defendant seeks to avoid responding to certain Requests for Production that it asserts fall outside the scope of Plaintiff’s Complaint. Plaintiff opposes Defendant’s Motion for Protective Order on the basis that such information is required to perform the statistical analyses necessary to prove its cause of action. For good cause shown, Defendant’s Motion for Protective Order is **GRANTED** on the terms set forth herein.

The scope of discovery in any action, while intended to be broad, should nevertheless be tailored to include claims and defenses asserted by a party in its pleadings. Fed. R. Civ. P. 26(b)(1). Rule 26(b)(1) states that “parties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party.” Fed. R. Civ. P. 26(b)(1). Furthermore, the Federal Rules provide the Court authority to exercise its discretion in limiting the scope of discovery to certain matters and to prescribe a discovery method other than the one selected by the party seeking discovery. Fed. R. Civ. P. 26(c)(1)(C)-(D). In the present action, the Court finds it in the best interest of the parties to limit the scope of Plaintiff’s discovery request pursuant to the discretionary authority granted in Rule 26(c)(1)(C)-(D).

As to Requests Nos. 1-4 in Plaintiff's Second Request for Production of Documents, the Court notes that Plaintiff has requested documents relative to all applications received by Defendant from applicants seeking temporary employment "in the Memphis area." The Court concludes these Requests to be excessively broad and to fall outside the scope of the Complaint, as the issues at bar regard the referrals and hiring practices at a single warehouse facility. Thus, the Court finds that it is appropriate only to require Defendant to provide the information requested for the employees placed at Technicolor's Memphis Oaks facility from January 1, 2004 through August 6, 2006. Defendant is not required to provide data for all persons who applied for employment throughout Memphis, as that is beyond the scope of the claims asserted in this matter.

As to Requests Nos. 1-2 in Plaintiff's Third Request for Production, the Court concludes that a narrower request to include statistical data related specifically to those applicants referred to Technicolor's Memphis Oaks facility would be sufficient. This information will enable the Plaintiff to conduct an accurate statistical analysis for the purpose of which its Complaint was filed without causing undue burden or expense to the Defendant. Thus, Defendant shall be required to produce the information sought in Requests No. 1-2 for those applicants referred to the Technicolor Memphis Oaks facility.

Accordingly, Defendant is ORDERED to submit a proposed Protective Order in accordance with the Court's order on or before July 18, 2008. Defendant is further ORDERED to respond to Plaintiff's discovery requests in accordance with the discovery deadlines established by the Court.

It is SO ORDERED this 14th day of July, 2008.

s/ Gerald B. Cohn
GERALD B. COHN
UNITED STATES MAGISTRATE JUDGE