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IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION

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REBECCA LEIGH DEHART,

Plaintiff,

v.

STEVENS-HENAGER COLLEGE, INC.,

Defendant.

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EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

STEVENS-HENAGER COLLEGE, INC.,

Defendant.

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**ORDER DENYING MOTION FOR  
HEARING AND GRANTING IN PART  
AND DENYING IN PART MOTION TO  
COMPEL DISCOVERY RESPONSES  
AND MOTION TO BIFURCATE TRIAL**

Case No. 1:05-CV-00118

[consolidated with case no. 1:05-CV-00122]

Before the court are three motions: plaintiffs' motion to compel discovery responses (#56); defendant's motion for bifurcated trial (#60); and, defendant's motion for a hearing to simultaneously address the aforementioned motion to compel and motion to bifurcate (#62). The court has sufficient information to rule on the motion to compel and the motion to bifurcate. Consequently, the court DENIES defendant's motion for a hearing to address these issues (#62). For the reasons stated below, the court GRANTS in part and DENIES in part plaintiffs' motion

to compel discovery responses (#56); and the court GRANTS in part and DENIES in part defendant's motion to bifurcate (#60). These latter two motions are addressed in turn.

On September 29, 2006, plaintiffs filed a joint motion to compel defendant's discovery responses (#56). Specifically, plaintiffs motion the court to compel defendant to provide information regarding defendant's financial condition as outlined in Request No. 14 of Ms. DeHart's First Set of Written Discovery and Request No. 13 of the EEOC's Written Discovery Request. This latter request reads:

Please produce documents showing Defendant's financial condition from January 1, 2002 to the present including, but not limited to, audited and/or unaudited financial statements, balance sheets, income statements, loan applications, documents concerning gross and net income and expenditures, annual reports to stockholders, if appropriate, and federal and state tax returns for the years 2002, 2003, . . . 2004, and 2005.

Request No. 14 of Ms. DeHart's First Set of Written Discovery requests generally the same information. Defendant argues that these requests are unduly burdensome and that the disclosure of this financial information is not justified at this stage of the litigation process. Defendant concedes that it could timely produce gross revenues, net revenue, and net worth for the years 2002-2005, should the case proceed to a punitive damages phase.

The court is persuaded that plaintiffs' requests are unduly burdensome to defendant. The court is not persuaded, however, that disclosure of *all* financial information is unwarranted at this stage of the litigation process. Consequently, the court orders that defendant produce its gross revenue, net revenue, and net worth for the years 2002, 2003, 2004, and 2005, within two weeks from the date of this Order. If appropriate, a protective order can cover this information.

Also before the court is defendant's motion to bifurcate the trial (#60). Defendant requests the court to issue an order bifurcating this trial so that issues related to punitive damages are tried separately from all other issues. Defendant also requests the court to issue an order that would allow defendant to withhold information related to its financial condition unless and until this case proceeds to a trial on the issue of punitive damages. Plaintiffs oppose the motion, arguing that a bifurcated trial will not be conducive to expedition and economy, and will not avoid the prejudice defendant fears.

The court agrees with defendant that the trial should be bifurcated to allow issues related to punitive damages - liability for and amount of punitive damages - to be heard separately from all other issues in the case. With regard to defendant's request to withhold evidence of its financial condition, the court has ordered defendant, as outlined above, to produce certain evidence of its financial condition within two weeks of this Order. Because defendant's financial condition will soon be disclosed, and because the court seeks expedition and economy, the court orders that the trial shall be a continuous, two-part trial. Part one of the trial will address all issues except punitive damages. Should the defendant be found liable, the case will immediately proceed to part two - liability for and amount of punitive damages; this phase shall commence with the same jury immediately following resolution of part one.

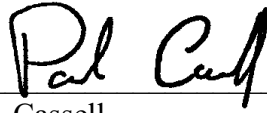
As outlined above, the court GRANTS in part and DENIES in part plaintiffs' joint motion to compel discovery responses (#56). Defendant shall produce evidence showing its gross revenue, net revenue, and net worth for the years 2002, 2003, 2004, and 2005, within two weeks of this Order. The court GRANTS in part and DENIES in part defendant's motion to

bifurcate trial (#60). The trial shall be a continuous, two-part trial, with part two, if necessary, addressing the liability for and amount of punitive damages. The court DENIES the defendant's motion for hearing (#62).

SO ORDERED.

DATED this 8th day of November, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul Cassell", written over a horizontal line.

Paul G. Cassell  
United States District Judge