

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

NOV 2 2000

JAMES R. LARSEN, CLERK  
SEATTLE, WASHINGTON

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

KELLY FLYNN, APRIL DAVIS AND  
PEGGY MILLER,

Plaintiff-  
Intervenors

v.

KAISER ALUMINUM & CHEMICAL  
CORPORATION, a Delaware  
corporation

Defendant.

NO. CS-99-0169-EFS

**ORDER GRANTING IN PART AND  
DENYING IN PART PLAINTIFF'S  
MOTION TO COMPEL DISCOVERY AND  
FOR SANCTIONS**

On November 20, 2000, the Court held a telephonic conference regarding discovery issues raised by the parties. Plaintiff Equal Employment Opportunity Commission ("EEOC") was represented by Zulema Hinojos-Fall. Plaintiff Intervenors Flynn, Davis and Miller were represented by Jeffry K. Finer. Defendant Kaiser Aluminum & Chemical Corporation ("Kaiser") was represented by Charles G. Williams. This Order memorializes and supplements the oral rulings of the Court.

1 The Court considered EEOC's Motion for Order to Compel Discovery  
2 and For Sanctions, (Ct. Rec. \_\_), filed on or about November 20, 2000,  
3 EEOC's Motion and Order to Shorten Time, (Ct. Rec. \_\_), filed on or  
4 about November 20, 2000, and Kaiser's November 20, 2000, letter  
5 request for protective order and a discovery referee. The Court  
6 issued rulings on EEOC's motions. However, because Kaiser's requests  
7 for protective order and for a discovery referee were presented in a  
8 letter, the Court declined to treat them as a motion and did not rule  
9 on them.

10 For the reasons stated on the record,

11 **IT IS ORDERED:**

12 1. Plaintiff's Motion and Order to Shorten Time, (Ct. Rec. \_\_),  
13 filed on or about November 20, 2000, is **GRANTED**.

14 2. Plaintiff EEOC's Motion for Order to Compel Discovery and For  
15 Sanctions, (Ct. Rec. \_\_), filed on or about November 20, 2000, is  
16 **GRANTED in part and DENIED in part.**

17 a. The deposition of Ms. Dorothea Walters shall commence  
18 no later than **9:30 a.m. on December 5, 2000**, and shall  
19 conclude by **5:00 p.m.** that same day.

20 b. The deposition of Ms. Kathryn Genteman shall commence  
21 at **noon on December 7, 2000**, and shall conclude by **6:00**  
22 **p.m.** that same day. Should Ms. Genteman so request,  
23 the parties shall provide her with at least three  
24 breaks of fifteen minutes.

25 //

1 c. Plaintiff's motion to compel Defendant to fully answer  
2 Plaintiff's First Set of Interrogatories and Requests  
3 for Production is **DENIED** as premature.

4 d. Plaintiff's motion for sanctions for Mr. Charles G.  
5 Williams' failure to appear at the on-site visit of Jim  
6 Strandy's physical therapy offices on November 16,  
7 2000, is **DENIED**.

8 e. No fees, costs or sanctions are awarded at this time.

9 **IT IS SO ORDERED.** The District Court Executive is hereby  
10 directed to enter this Order and to furnish copies to counsel.

11 **DATED** this 30<sup>th</sup> day of November 2000.

12  
13 

14 EDWARD F. SHEA  
15 United States District Judge

16 Q:\Civil\1999\CS-0169.ord.mtn compel.wpd  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26