

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

EQUAL EMPLOYMENT	§	
OPPORTUNITY COMMISSION,	§	
<i>Plaintiff,</i>	§	
	§	
vs.	§	CIVIL ACTION H-04-3788
	§	
U-HAUL CO. OF TEXAS, d/b/a	§	
U-HAUL CO. OF NORTH	§	
HOUSTON AND U-HAUL	§	
INTERNATIONAL, INC.,	§	
<i>Defendants.</i>	§	

MEMORANDUM AND ORDER

Before the court¹ is plaintiff Equal Employment Opportunity Commission’s (EEOC) motion to compel documents (Dkt. 48) from defendant U-Haul Co. of Texas, d/b/a U-Haul Co. of North Houston. The EEOC seeks an order compelling responses to its requests for production number 3 and 5 pertaining to Dedric Johnson, a former general manager for U-Haul at its Center 56 in Houston.² The EEOC’s motion is granted.

Request number 3 seeks “a copy of any documents relating to customer complaints about Dedric Johnson.” Dkt. 48, Ex. 1. U-Haul objects on grounds of

¹ This motion was referred to this magistrate judge for determination pursuant to 28 U.S.C. § 636(b)(1) (Dkt. 49).

² That portion of the motion seeking answers to interrogatories has been withdrawn. See Dkt. 50.

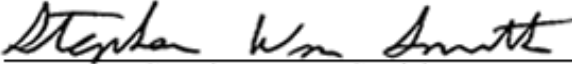
relevancy and overbreadth. Johnson worked for U-Haul from November of 2002, until January 21, 2004, or slightly more than one year. He became a general manager for U-Haul around June 10, 2003. Thus, the request is not overly broad. Nor is the information sought irrelevant. The EEOC's allegations against U-Haul pertain to Johnson's actions as an employee and supervisor for U-Haul. Documentation of his behavior during the relatively short period of time appears reasonably calculated to the discovery of admissible evidence. FED. R. CIV. P. 26(b)(1). U-Haul's objections are therefore overruled.

Request for production number 5 asks for a copy of all applications for the position of Customer Service Representative at U-Haul Center 56. The EEOC has since limited its request to those applications submitted from June 10, 2003, through January 21, 2004. *See* Dkt. 48. U-Haul again objects to the request as overly broad and not reasonably calculated to lead to the discovery of admissible evidence. *See* Dkt. 48, Ex. 1. U-Haul's objections are again overruled. The request covers a short and well-defined period of time Dedric Johnson was a general manager for U-Haul and is alleged to have used his supervisory position to sexually discriminate against those he supervised, as well as those who applied for positions at Center 56. One of the EEOC's central contentions is that Johnson would hire women as trainees, but would not pay them or hire them for full-time employment if they rebuked his sexual

advances. If applicants to the Customer Service Representative position were denied employment for refusing the sexual advances of a supervisor, such evidence is clearly relevant and discoverable. To address U-Haul's concerns about the privacy of these applicants, it may redact personal identifiers and other sensitive information, such as Social Security numbers or bank accounts, but its objections are otherwise overruled.

Accordingly, U-Haul must produce documents responsive to the EEOC's requests for production number 3 and 5 within ten days of entry of this order.

Signed on September 20, 2005, at Houston, Texas.



Stephen Wm Smith
United States Magistrate Judge