

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Warren K. Urbom	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	99 C 3356	DATE	6/28/2000
CASE TITLE	EEOC vs. Dial Corp.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

- (1) Filed motion of [use listing in "Motion" box above.]
- (2) Brief in support of motion due _____.
- (3) Answer brief to motion due _____. Reply to answer brief due _____.
- (4) Ruling/Hearing on _____ set for _____ at _____.
- (5) Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) Trial[set for/re-set for] on _____ at _____.
- (8) [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
 FRCP4(m) General Rule 21 FRCP41(a)(1) FRCP41(a)(2).
- (10) [Other docket entry] Enter Memorandum and Order: Defendant's motion to compel production of expert documents (104-1) is granted.

(11) [For further detail see order attached to the original minute order.]

	No notices required, advised in open court.	<div style="font-size: 2em; font-weight: bold;">JUL 10 2000</div> <div style="font-size: 1.5em; font-weight: bold;">00 JUL 7 PM 8:13</div>	number of notices	<div style="font-size: 2em; font-weight: bold;">110</div>
	No notices required.		date docketed	
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.		docketing deputy initials	
	Notified counsel by telephone.		6/28/2000	
	Docketing to mail notices.		date mailed notice	
	Mail AO 450 form.		GL	
	Copy to judge/magistrate judge.	mailing deputy initials		
GL	courtroom deputy's initials	Date/time received in central Clerk's Office		

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY) CIVIL ACTION NO. 99 C 3356
COMMISSION,)
)
Plaintiff,) Judge Warren K. Urbom
)
vs.)
)
DIAL CORPORATION,)
)
Defendant.)

MEMORANDUM AND ORDER ON THE DEFENDANT'S
MOTION TO COMPEL PRODUCTION OF EXPERT DOCUMENTS

DOCKETED
JUL 10 2000

In support of its case, the plaintiff seeks to introduce the opinion of a social psychologist, Dr. Louise Fitzgerald, based on a database that she and her assistant generated through a survey of women who have worked for the defendant for the past decade or so. To date, the defendant has not received the survey responses. Instead, the defendant has been limited to a modified version of the database created by the expert that, among other things, excludes the results of certain surveys altogether as well as certain portions of others. The defendant now seeks those responses, each one, without exception, in this motion to compel, filing 104. For the following reasons, I find that the motion should be granted.

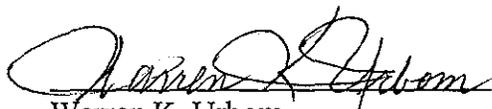
The fact of the matter is that the defendant is entitled to examine and test the reliability of the expert's opinion. To do so, the defendant must have access to the original surveys, including, among other things, the fourteen that were excluded by the plaintiff's expert in her analysis. I find that absent such disclosure, there is no possible way for the defendant (or me, for that matter) to insure that the expert considered all the data within the survey that should have been taken into account, or that she did not rely on data that should have been taken into account. In other words, without disclosure, it is impossible for the defendant to insure that the surveys and the expert's opinions based thereon contain sufficient indicia of trustworthiness, and the plaintiff may be in danger of not being able to use the results of the survey, that is, the database that was generated from the results, or its expert's opinions in this case.

I understand that the plaintiff has concerns that the disclosure of the original surveys might disclose the identities of the respondents. Although I sympathize, I find that it is not a compelling reason for denying the defendant the opportunity to assess the reliability of the survey responses, the database, and the expert's opinions. This does not mean that the plaintiff cannot protect the identities of the respondents, but it must do so without altering the responses in a substantive manner.

IT IS THEREFORE ORDERED that the defendant's Motion to Compel Production of Expert Documents, filing 104, is granted.

Dated June 28, 2000.

BY THE COURT

A handwritten signature in black ink, appearing to read "Warren K. Urbom". The signature is written in a cursive style with a large initial "W".

Warren K. Urbom
United States Senior District Judge