

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

CIVIL NO. 03-3296 (DSD/JSM)

Plaintiff,

GLEND A ROBERTSON,

Plaintiff-Intervenor,

v.

ORDER

COCA-COLA ENTERPRISES, INC.
D/B/A MIDWEST COCA-COLA
BOTTLING CO.,

Defendant.

JANIE S. MAYERON, U.S. Magistrate Judge

The above matter came on before the undersigned on March 25, 2004, upon plaintiff's Motion to Compel Discovery [Docket No. 20] and defendant's Motion to Compel IME and Discovery and to Amend PTO [Docket No. 27].

Tina Burnside, Esq. appeared on behalf of plaintiff Equal Employment Opportunity Commission ("EEOC"); Jordan Kushner, Esq. appeared on behalf of plaintiff-intervenor Glenda Robertson ("Robertson"). Todd Presnell, Esq. appeared on behalf of defendant.

The Court, for the reasons stated on the record at the hearing, now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. The EEOC and Robertson's joint Motion to Compel Discovery [Docket No. 20] is GRANTED in part and DENIED in part as follows:
 - a. As to the request for personnel records [EEOC's Document Request No. 2], the motion is denied as moot since it was resolved by the parties before the hearing.
 - b. As to the issue of other discrimination claims and lawsuits [EEOC's Document Request Nos. 8 and 9; Robertson's Interrogatory No. 1 and Document Request No. 6], this issue has been taken under advisement and will be decided in a separate Order of this Court.
 - c. As to the request for payroll documents [Robertson's First Document Request No. 7; Robertson's Second Document Request No. 1], defendant is ordered to produce all W-2 forms for all merchandisers employed at defendant's Egan facility from January 1, 2001 to August 31, 2003, no later than April 8, 2004.
 - d. As to Robertson's request for electronic data [Robertson's First Document Request No. 7; Robertson's Second Document Request No. 2], defendant is ordered to produce all "punch detail" data for all merchandisers employed at defendant's Egan facility from January 1, 2001 to August 31, 2003, in an electronic form no later than April 8, 2004.
 - e. As to the EEOC's request for financial information [EEOC's Document Request Nos. 14 and 16], the motion is denied as premature. In

addition, information responsive to this aspect of the motion is readily available in the public domain.

2. Defendant's Motion to Compel IME and Discovery and to Amend PTO [Docket No. 27] is GRANTED in part and DENIED in part as follows:
 - a. Defendant's request that Robertson submit to an independent medical examination and for disclosure of information related to Robertson's medical history and medical records [Defendant's Document Request Nos. 12 and 13; Defendant's Interrogatory Nos. 7 and 8] is denied. The Court will entertain a renewed request by defendant after Robertson has been deposed. In order for an adequate record to be developed on the issue of Robertson's emotional distress and its causes, defendant shall be permitted to ask Robertson at her deposition general questions regarding her past medical and mental health history (e.g., the types of illnesses and injuries for which she has sought treatment in the past; the dates of these treatments; the types of medical or mental health providers she has seen in the past; and the nature of the emotional distress she claims she has experienced in connection with her treatment by defendant, Pepsi Bottling Group, and ABC Bottling).
 - b. As to defendant's Document Request Nos. 5, 6, and 7 and Interrogatory No. 13, Robertson is ordered to respond and produce documents and information responsive to this discovery no later than April 8, 2004.

- c. As to defendant's request to extend the pre-trial deadlines regarding experts to permit defendant to conduct an independent medical examination of Robertson, the motion is denied. However, the deadline for completing discovery, filing non-dispositive and dispositive motions, and trial ready date will be extended by 3 months. An Amended Pretrial Scheduling Order will be issued reflecting these extensions.

Dated: March 31, 2004

s/ Janie S. Mayeron
JANIE S. MAYERON
United States Magistrate Judge