

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 05-61580-CIV-ALTONAGA/TURNOFF

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

PH FITNESS, INC., d/b/a FITNESS FIRST and
PBH FITNESS, LLC, d/b/a FITNESS FIRST

Defendants,

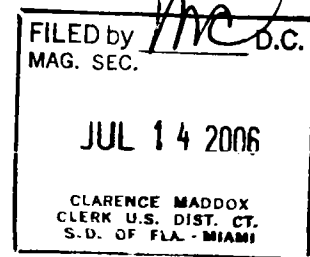
DAWN GRUNGO,

Intervening Plaintiff,

vs.

PH FITNESS, INC., d/b/a FITNESS FIRST and
PBH FITNESS, LLC, d/b/a FITNESS FIRST

Defendants.



OMNIBUS ORDER

THIS CAUSE is before the Court upon Intervening Plaintiff's Motion to Compel Better Responses to Intervener Plaintiff's Request to Produce [DE 40], Intervening Plaintiff's Motion to Compel Better Responses to Intervener Plaintiff's Financial Interrogatories [DE 41], and Intervening Plaintiff's Motion to Compel Better Responses to Intervener Plaintiff's Punitive Damages Request to Produce [DE 42]. Upon review of the written submissions, the Court file, and being otherwise duly advised in the premises, it is hereby

ORDERED AND ADJUDGED:

1. Intervening Plaintiff's Motion to Compel Better Responses to Intervener Plaintiff's Request to Produce [DE 40] is **Granted-in-Part and Denied-in-Part**, as follows: The Motion is **Granted** as to Request Nos. 2, 5, and 12. Defendant is to provide responses thereto within twenty (20) days from the date of this Order. The Motion is **Denied** as to Request Nos. 4 and 6. The Motion is **Deemed Moot** as to Request No. 7.

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CASE NO.: 05-22750-CIV-GOLD/TURNOFF

to the extent that Defendant has represented there are no other responsive documents except those listed in its privilege log. Plaintiff's request for an in camera inspection of those documents listed on Defendant's privilege log to determine the applicability of privilege is **Denied Without Prejudice**.

2. Intervening Plaintiff's Motion to Compel Better Responses to Intervener Plaintiff's Financial Interrogatories [DE 41] is **Granted-in-Part and Denied-in-Part**, as follows: The Motion is **Granted** as to Interrogatory Nos. 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, and 16. As to No. 3, 4, 5, 6, 10, 11, 12, 13, 15, 16, and 17, Defendant is to produce responsive documents from 2002 to present. All documents are to be produced pursuant to the confidentiality order, as detailed below. The Motion is **Denied Without Prejudice** as to Interrogatory Nos. 8 and 9.

3. Intervening Plaintiff's Motion to Compel Better Responses to Intervener Plaintiff's Punitive Damages Request to Produce [DE 42] is **Granted-in-Part and Denied-in-Part**, as follows: The Motion is **Granted** as to Request Nos. 1, 2, 3, 4, 6, 7, and 8, subject to the parties' submission of a confidentiality order, as detailed below. The Motion is **Granted** as to Request Nos. 9, 10, 11, and 12. (Defendant withdrew its objections to the Requests based on its previous claim that discovery of financial worth was premature). The Motion is **Deemed Moot** as to Request No. 5 which was withdrawn.

It is further **ORDERED AND ADJUDGED** that the parties are to confer and attempt to submit a proposed joint confidentiality order for the Court's review on or before **August 3, 2006**. If no agreement can be reached, Defendant shall submit a proposed confidentiality order by **August 3, 2006**, and Intervener Plaintiff shall submit any objections thereto by **August 11, 2006**. Compliance with production of documents pursuant to the confidentiality order shall be within ten (10) days from date of entry of same.

It is further **ORDERED AND ADJUDGED** that, to the extent that Plaintiff withdrew the relief requested in all three Motions against JRCC, Inc. because it is not a party to this action, the Motions are **Deemed Moot**.

DONE AND ORDERED in Chambers, at Miami, Florida, this 14 day of July 2006.



WILLIAM C. TURNOFF
United States Magistrate Judge

Copies provided:
Honorable Cecilia M. Altonaga
Counsel of Record