

FILED

SEP 12 2000

**G. PATRICK MURPHY,
DISTRICT JUDGE
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS, ILLINOIS**

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MINUTES OF COURT

PRESIDER: HON. G. PATRICK MURPHY, U. S. DISTRICT JUDGE

DATE: SEPTEMBER 11, 2000
TIME: 3:35 PM - 4:25 PM
COURTROOM DEPUTY: Linda M. Cook
COURT REPORTER: Molly Clayton

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff(s),)
)
vs.)
)
KROGER FOOD STORES,)
)
Defendant(s).)

Case No. 99-4187-GPM

Counsel for Plaintiff(s): Gregory Gochanour
Counsel for Defendant(s) : Keith Hult, Tom Peters
Counsel for Intervenor(s): Jerome Dobson

PROCEEDING: MOTION TO JOIN

Counsel for the parties appear. Arguments heard on the motion to join or in the alternative to dismiss (Doc. 94) filed by defendant. Because the Court finds that the union is not an indispensable party pursuant to Federal Rule of Civil Procedure 19, the court **DENIES** the motion. Arguments heard on the motion for order to show cause and to compel production of documents (Doc. 90) filed jointly by plaintiff and intervenors, and the motion is **DENIED in part and GRANTED in part**. Specifically, the court denies the motion as to the request to find defendant in contempt, and denies the request for attorney fees and costs. The motion is granted as to the production of Teresa Turley's notes and as to the request to produce Ms. Turley for a second deposition. Defendant is **ORDERED** to produce Ms. Turley's notes **within 5 days**. Defendant shall produce for *in camera* inspection any note which Defendant believes contains mental impressions which are not subject to production. The deposition of Ms. Turley will be limited to examination concerning Ms. Turley's notes. Defendant shall bear the expense of Ms. Turley's deposition. Arguments heard on the motion to compel (Doc. 98) filed by defendant, and the court **GRANTS** the motion. Plaintiff is **ORDERED** to provide defendant with the questionnaires sought in the motion to compel **within 2 weeks**. The Court finds the motion moot as to the request for Rule 35 examinations.