

AUG 26 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

MICRO PACIFIC DEVELOPMENT, INC.,
d/b/a Saipan Grand Hotel,

Defendant.

CASE NO. CV-04-0028-ARM

ORDER QUASHING SUBPOENA

This matter is before the Court on the motion by the plaintiff, Equal Employment Opportunity Commission ("EEOC"), to quash a subpoena duces tecum served on Vincente Torres. Upon consideration of the memoranda of the parties, the arguments of counsel and the applicable law, the Court grants the EEOC's motion and will quash the subpoena.

A.

The EEOC filed this public enforcement lawsuit based on allegations that defendant Micro Pacific Development Bank d/b/a Saipan Grand Hotel subjected Julieta Torres and a group of similarly situated women to a sexually hostile work environment. On July 8, 2005, defendant served deposition subpoenas on Vincente Torres and Renen Ansus¹, respectively, Ms. Torres' husband and adult son.

The subpoena to Vincente Torres demanded the following documents be produced at his deposition:

¹ In defendant's opposition to the EEOC's motion to quash, defendant stated that it withdrew the subpoena served on Renen Ansus. Therefore, the Court will not analyze the EEOC's motion to quash as it relates to Mr. Ansus.

1 believes that permitting defendant to request documents regarding a charging party's immigration
2 status would have a "chilling effect" on the pursuit of this case as well as cause second thoughts to
3 any other non-resident deciding whether to pursue a future Title VII case. See *Rivera v. Nibco, Inc.*,
4 364 F.3d 1057, 1064-65 (9th Cir. 2004). For these reasons, the Court will quash defendant's request
5 for documents regarding Julieta Torres' immigration status and application.

6 The Court will also quash defendant's request for documents relating to the Torres' finances.
7 Like defendant's request for documents relating to Julieta Torres' immigration status, documents
8 relating to the Torres' financial condition and the evidence that could be gleaned from them are too
9 attenuated to have any direct bearing on the claims or defenses advanced in this case. As with the
10 immigration papers, discovery of these documents could at most lead only to evidence as to Ms.
11 Torres' general honesty. The Court notes that question regarding Julieta Torres' motivation for filing
12 this suit can be handled on cross-examination. For these reasons, the Court will grant the EEOC's
13 motion.

14 **D.**

15 For the foregoing reasons, it is **ORDERED** that the motion to quash the subpoena duces tecum
16 served on Vincent Torres is **GRANTED**. Accordingly, it is **ORDERED** that the subpoena duces
17 tecum dated July 8, 2005, and served on Vincente Torres, is hereby quashed.

18 **DATED** this 26th day of August, 2005

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20 
21 Alex R. Munson
22 Chief Judge, United States District Court
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