

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
AUSTIN DIVISION

2002 AU 22 AM 11:21

WESTERN DISTRICT OF TEXAS
U.S. CLERK'S OFFICE

BY: 
DEPUTY

EQUAL EMPLOYMENT OPPORTUNITY §
COMMISSION §
V. §
REGIS CORPORATION §

A-01-CA-551 JN

ORDER

Before the Court are Defendant's Motion to Compel Discovery (to order Plaintiff to Supplement its discovery responses) filed on July 24, 2002 (Clerk's Doc. No. 45); Defendant's Motion to Compel Discovery (to re-depose Helio Arizola) filed on July 24, 2002 (Clerk's Doc. No. 46); Plaintiff's Motion to Compel Discovery filed on July 24, 2002 (Clerk's Doc. No. 47), and Plaintiff's Motion for Protective Order filed on July 26, 2002 (Clerk's Doc. No. 57). The District Court referred the above motions to the undersigned Magistrate Judge for a determination pursuant to 28 U.S.C. §636(b) and Rule 1(c) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Local Rules for the Assignment of Duties to United States Magistrate Judges.

On August 21, 2002, the Magistrate Court heard oral arguments on all of these motions. The Court made oral rulings on the motions at the conclusion of that hearing, and those rulings, and the rationales expressed therefore, are hereby incorporated into this Order. The purpose of this Order is to memorialize in writing the rulings on the motions made on the record.

Defendant's Motion to Compel Supplemental Discovery Responses (Clerk's Doc. No. 45)

At the hearing, Defendant informed the Court that it was withdrawing its Motion to Compel Plaintiff to supplement its discovery responses. Therefore, Defendant's Motion to Compel Discovery (Clerk's Docket No. 45) is HEREBY DENIED as moot.

Defendant's Motion to Compel the testimony of Helio Arizola (Clerk's Docket No. 46)

During the discovery in this case, Defendant discovered that Plaintiff Helio Arizola was indicted in July 2001, and subsequently arrested in April 2002 for felony theft for allegedly misappropriating funds from a subsequent employer, Fantastic Sams.¹ During the deposition of Mr. Arizola, Mr. Arizola asserted his Fifth Amendment privilege against self-incrimination with regard to all questions regarding his arrest. Defendant requests that the Court order Mr. Arizola to answer such questions.

For the reasons stated on the record at the hearing, Defendant's Motion to Compel the testimony of Helio Arizola is DENIED without prejudice to Defendant re-urging the motion upon the final disposition of the charges contained in the indictment referenced above.

Plaintiff's Motion to Compel Discovery (Clerk's Docket No. 47)

In this motion, Plaintiff sought the Court to compel Defendant to respond to Interrogatories Nos. 9, 11, 13, 20, 21, 22, and 23, and Requests for Production Nos. 31, 35, 37, 44, 46, 47, 48, 49 and 50. At the hearing, the Plaintiff informed the Court that it had resolved the motion to compel with regard to all of its discovery requests, except with regard to Interrogatories Nos. 9, 20, 21, and 22. For the reasons stated on the record at the hearing, the Court will make the following rulings.

¹Plaintiff was indicted (Indictment No. 3012344) on these charges on July 11, 2001, in the 299th Judicial District of Travis County, Texas. See Exhibit A to Defendant's Motion to Compel.

Plaintiff's Motion to Compel is GRANTED IN PART with regard to Interrogatory No. 9. Defendant is ordered to supplement its response by organizing any factual information supporting each of its defenses into coherent groups according to each separate defense.

Plaintiff's Motion to Compel is GRANTED IN PART with regard to Interrogatories Nos. 20-22. Defendant is ordered to respond to the interrogatories with relevant information from all Austin store locations limited to the time period of 1997 to the present.

All other relief not expressly granted herein is HEREBY DENIED.

Plaintiff's Motion for Protective Order (Clerk's Docket No. 57)

In May 2002, Defendant notified the EEOC of its intent to take the deposition of Diane Webb, an investigator at the EEOC's San Antonio District Office who was assigned to investigate the complaints that form the basis for this lawsuit. The EEOC now seeks to quash the deposition of Ms. Webb.

For the reasons stated on the record, Plaintiff's Motion for Protective Order is GRANTED without prejudice to the Defendant seeking to take the deposition of Ms. Webb in the event that the case is disposed of and there is an ensuing dispute regarding attorney's fees.

SIGNED this ^{22nd} 21st day of August, 2002.



ANDREW W. AUSTIN
UNITED STATES MAGISTRATE JUDGE