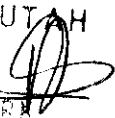


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FILED
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DISTRICT OF UTAH
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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	ORDER ON DISCOVERY ISSUES
)	
Plaintiff,)	
)	
vs.)	
)	
TRI-SPUR INVESTMENT COMPANY,)	Civil No. 2:00CV00774B
INC., dba SBARRO'S ITALIAN EATERY,)	Magistrate Judge David Nuffer
)	
Defendant.)	

On Wednesday, September 19, 2001, at 5:00 p.m., a hearing was held pursuant to this Court's Order Granting Expedited Hearing, dated September 17, 2001.

Ralph Chamness and Sally Shanley appeared, by telephone, for Plaintiff EEOC.

Roger Hoole and Heather Morrison appeared for Plaintiff in Intervention Crystle Collins. Mary Anne Wood and Kathryn Balmforth appeared for Defendant Tri-Spur Investments, Inc., and for proposed Defendants Tri-Spur Investments II, L.L.C., and Berkley Corporation.

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Although the hearing was scheduled pursuant to Tri-Spur's *ex parte* request for an expedited hearing on its Motion for Leave to Take Additional Depositions, the parties were informed that the Court would also hear argument on Tri-Spur's pending Motion for Mental Examination, Tri-Spur's Motion for Extension of Time for Filing Defendants' Expert Reports, and Crystle Collins' Motion for Extension of Time to Conduct Discovery. In addition, the parties were ordered to prepare a summary of all pending discovery issues, whether the subject of a motion or not, and the position of each party on each issue.

Having heard the arguments of counsel, and good cause appearing therefor, IT IS HEREBY ORDERED:

1. Tri-Spur's Motion for Leave to Take Additional Depositions is GRANTED, in part, as follows. Tri-Spur may take all the depositions it has currently noticed, and may take, in addition, the depositions of two of Crystle Collins' health care providers who have not been previously deposed. The deposition of Charles Rahill may be taken in Phoenix at a time mutually convenient to the parties. If Felipe Lisceno or Jose Gonzales Soto are located, even after discovery has closed on October 5, 2001, their depositions may be taken by any party. If any party locates a current address or telephone number for either Mr. Lisceno or Mr. Gonzales Soto, it shall be provided to the other parties, forthwith.

2. Tri-Spur's Motion for Mental Examination under Rule 35 is GRANTED. Crystle Collins shall present herself for examination by Tri-Spur's experts as set forth in the Motion, as soon as feasible. Ms. Collins' counsel shall not be permitted to attend.

In granting this Motion, the Court expressly disclaims any ruling on the admissibility of the results of the psychological tests administered by Tri-Spur's psychological expert.

3. Tri-Spur's Motion for Extension of Time for Filing of Defendant's Expert Reports is GRANTED. Defendant's Expert Report shall be submitted within 20 days after Tri-Spur's second expert examines Ms. Collins. Depositions of Defendant's experts shall be taken within 30 days of the submission of their reports. Plaintiffs shall submit their rebuttal reports, if any, within 20 days of the filing of Defendant's expert reports. Depositions of Plaintiffs' experts, if any, shall be taken within 30 days of the submission of Plaintiffs' rebuttal expert reports.

4. Plaintiff in Intervention Crystle Collins' Motion for Extension of Time to conduct discovery on issues related to new parties is GRANTED, in part, as follows. Depositions of Tri-Spur Investments II, L.L.C. and Berkley Corporation may be taken pursuant to Fed. R. Civ. P. 30(b)(6). Each of those entities shall designate its representative, and provide the Plaintiffs with the current addresses of those representatives forthwith. The scope of the 30(b)(6) depositions shall be limited to those topics set forth in the respective deposition notices previously served.

5. Tri-Spur's Motion for Protective Order, filed on September 18, 2001, regarding the 30(b)(6) depositions of Tri-Spur L.L.C. and Berkley Corporation is GRANTED, in part, and DENIED, in part, as follows. While the depositions of Tri-Spur Investments II, L.L.C. and Berkley Corporation may proceed as ordered above, the L.L.C. will be deposed in Rexburg, Idaho.

Counsel has indicated that Berkley Bowen will be designated as the representative of Berkley Corp. The deposition of Berkley Corporation will be taken in New York City, where Berkley Bowen resides.

6. With respect to additional issues upon which no motion has been filed, the Court rules as follows. Tri-Spur shall provide the Plaintiffs with the home addresses of Janet Webster and Walter Johnston, forthwith.

DATED this 24th day of October, 2001.

BY THE COURT:



Magistrate Judge David O. Nuffer
United States District Court

APPROVED AS TO FORM:

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

Ralph E. Chamness
Sally C. Shanley
Attorneys for Plaintiff

United States District Court
for the
District of Utah
October 26, 2001

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:00-cv-00774

True and correct copies of the attached were either mailed or faxed by the clerk to the following:

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