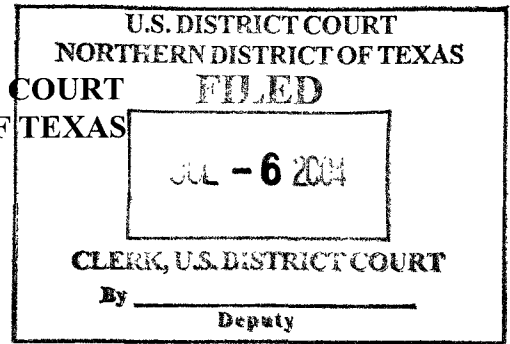


ORIGINAL IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

TXI OPERATIONS, L.P.,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

**Civil Action No.
3:03-CV-1868-P**

ORDER

Pursuant to the District Court's Order of Reference, filed June 14, 2004, *Defendant TXI Operations, L.P.'s Motion to Compel Discovery Responses, Production of Documents and Depositions, and Alternative Motion to Deem Evidence Inadmissible and Brief in Support*, filed June 10, 2004, has been referred to this Court for hearing, if necessary, and for determination. Also before the Court are *Appendix to Defendant TXI Operations, L.P.'s Motion to Compel Discovery Responses, Production of Documents and Depositions, and Alternative Motion to Deem Evidence Inadmissible and Brief in Support*, filed June 10, 2004, and *Plaintiff's Response in Opposition to Defendant's Motion to Compel, Plaintiff's Brief in Support of its Response in Opposition to Defendant's Motion to Compel*, and *Appendix to Plaintiff's Brief in Support of its Response in Opposition to Defendant's Motion to Compel*, filed June 29, 2004.

A hearing on the motion was held on Friday, July 2, 2004. After consideration of the pleadings, evidence, oral argument, and applicable law, and for the reasons stated on the record during the hearing, the Court determines that the motion should be, and it is hereby, **DENIED**, in

part, and **GRANTED**, in part. Accordingly, it is

ORDERED that Defendant's motion to compel the deposition of former EEOC Investigator George R. Garrett is **GRANTED**. Plaintiff shall provide Defendant with Mr. Garrett's last known address within ten business days from the date of this Order. Defendant's motion to compel the deposition of EEOC Acting District Director Janet V. Elizondo is **DENIED**. Defendant's motion to compel additional responses to its Requests for Production Nos. 9-12 is **DENIED**. However, Plaintiff shall review all documents withheld from production on the basis of the deliberative process privilege to ensure that all non-privileged factual information contained therein has been produced. Plaintiff shall supplement its responses and/or certify in writing that it has provided all responsive factual non-privileged information no later than ten (10) business days from the date of this Order. It is further

ORDERED that Defendant's Interrogatory No. 5 and Requests for Production Nos. 17 and 24 are modified and limited to medical providers consulted by, or who treated, Charging Party for her alleged physical and mental symptoms of emotional anguish, including but not limited to, high blood pressure. Defendant's motion to compel responses to Interrogatory No. 5 and Requests for Production Nos. 17 and 24, as modified and limited, is **GRANTED**. Plaintiff shall provide full and complete responses to these discovery requests no later than ten (10) business days from the date of this Order. It is further

ORDERED that Plaintiff shall produce a copy of Charging Party's notes to the Court for *in camera* review no later than Friday, July 9, 2004. It is further

ORDERED that Defendant's motion to compel a more detailed privilege log is **DENIED**. It is further

ORDERED that Defendant's motion to compel additional responses to Interrogatory No. 6 and Request for Production No. 1 is **DENIED**.

All relief not expressly awarded herein is hereby denied.

SO ORDERED on this 2nd day of July, 2004.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE