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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

 Plaintiff,

ANN MORGAN and GENNY SMITH,

 Plaintiff-Intervenors,

 v.

HANNAH MOTORS COMPANY, BRYAN
LINDSAY and the marital community
comprised thereof,

 Defendants.

No. C03-5531 RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Plaintiff-Intervenors’
Motion to Compel Discovery.

Having considered the entirety of the records and file herein, the Court finds and rules as
follows:

On October 6, 2003 the Equal Employment Opportunity Commission filed a complaint
against Hannah Motors Company pursuant to Title VII of the Civil Rights Act of 1964 and Title I of

1 the Civil Rights Act of 1991 “to correct unlawful employment practices on the basis of sex and
2 retaliation and to provide appropriate relief to Ann Morgan and Genny Smith who were adversely
3 affected by such practices.” (Complaint, p.1, Dkt. 1) The complaint alleges that Hannah Motors
4 engaged in unlawful employment practices by “sexually harassing Ms. Smith and Ms. Morgan, then
5 discharging Ms. Morgan in retaliation for complaining about being sexually harassed and
6 constructively discharging Ms. Smith.” (Complaint, p.2, Dkt. 1)

7 On December 1, 2003 the Court granted Ms. Morgan’s and Ms. Smith’s motion to intervene
8 as of right, (Dkt. 11) and the plaintiff-intervenors (hereinafter “plaintiffs”) filed their complaint on
9 December 8, 2003. (Dkt. 13). On March 26, 2004 the plaintiffs filed an amended complaint which
10 added Bryan Lindsay as an individual defendant. (Dkt. 23) The complaints seek injunctive,
11 monetary, and equitable relief.

12 Plaintiffs have moved the Court to compel production of the personnel files for all employees
13 who worked in the sales department of defendant’s Lincoln-Mercury dealership and were supervised
14 by Bryan Lindsay from 1998 until the termination of Lindsay in 2003.¹ (Plaintiffs’ Reply, Dkt. 36)

15 Fed.R.Civ.P. 26(b)(1) provides:

16 Parties may obtain discovery regarding any matter, not privileged, that is relevant to
17 the claim or defense of any party, including the existence, description, nature,
18 custody, condition, and location of any books, documents, or other tangible things
19 and the identity and location of persons having knowledge of any discoverable matter.
20 For good cause, the court may order discovery of any matter relevant to the subject
matter involved in the action. Relevant information need not be admissible at the trial
if the discovery appears reasonably calculated to lead to the discovery of admissible
evidence. All discovery is subject to the limitations imposed by Rule 26(b)(2)(i), (ii),
and (iii).

21 The defendant has argued to the EEOC and in the briefing to this Court in response to plaintiffs’
22 motion that Ms. Morgan was terminated for violating company policies. Plaintiff will bear the

23 ¹ It is unclear to the Court when Mr. Lindsay left his job as General Sales Manager at
24 defendant’s dealership. Plaintiffs refer to 2003 as an end date and defendant refers to Mr. Lindsay’s
25 termination in April, 2004. The Court’s Order covers the time frame from 1998 until Mr. Lindsay
was no longer the General Sales Manager at the Lincoln-Mercury dealership.

1 burden of proof to rebut defendant's proffered reasons for her termination. The information in the
2 personnel files plaintiffs seek appears to the Court to be "reasonably calculated to lead to the
3 discovery of admissible evidence" that, for example, defendant treated similarly situated employees
4 differently than Ms. Morgan and Ms. Smith. Furthermore, the limitations set forth in Fed.R.Civ.P.
5 26(b)(2)(i), and (iii) do not apply in this case because plaintiffs have agreed to pay the copying costs
6 of these files. Plaintiffs have also agreed to sign a protective order which will govern the handling of
7 these files which contain confidential employee information. It is therefore

8 ORDERED that Plaintiffs' Motion to Compel Discovery (Dkt.31) is GRANTED. The
9 defendant shall provide to plaintiffs the personnel files for all employees in the sales department at
10 the Lincoln-Mercury dealership from 1998 until the termination of Bryan Lindsay within fourteen
11 days of entry of this Order.

12 The clerk of the court is instructed to send uncertified copies of this Order to all counsel of
13 record.

14 DATED this 22nd day of SEPTEMBER 2004.

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17 RONALD B. LEIGHTON
18 UNITED STATES DISTRICT JUDGE
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