

FILED
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO
ORIGINAL

DEC 31 2003

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,
Plaintiff,*Robert M. March*
CLERK

vs.

No. CV02-1212 BB/LAM

BELL GAS INC., CORTEZ GAS
COMPANY, AND ABC PROPANE,
INC., d/b/a AWC PROPANE,
Defendants.**ORDER DENYING MOTION TO QUASH SUBPOENA AND****DENYING MOTION TO COMPEL**

This matter came before the Court for a hearing on December 11, 2003 in connection with a Motion to Quash Subpoena filed by the New Mexico Department of Labor. ^(Doc. 71) In response to the said motion, the Defendants filed a pleading labeled "Defendants' Response to Motion to Quash Subpoena or in the Alternative, Motion to Compel Plaintiff To Consent to Production of Unemployment Records." ^(Doc. 72) The Court finds that Defendants have articulated a compelling need for the unemployment records that were the subject of the Motion to Quash and that, therefore, the said motion as filed by the New Mexico Department of Labor, will be denied. ^(Doc. 71)

It is therefore ORDERED that the New Mexico Department of Labor will produce all documents pertinent to the unemployment claim of Cheri Brisco, DOB 01/04/58, SSN 459-27-5471 within ten (10) days of the date of this Order. Defendants shall bear all expenses incurred in connection with the production of the documents.

In light of the Court's ruling on the Motion to Quash, it is unnecessary for the Court to address the Defendant's alternative motion to compel the Plaintiff to consent to production of unemployment records. *and said motion, therefore, is DENIED (Doc. 72).*


Dated: December 30, 2003

BY THE COURT:


Lourdes Martinez
HON. LOURDES A. MARTINEZ
U. S. Magistrate Judge

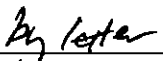
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Submitted by:


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Approved by:


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