

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

FILED

2002 MAY -3 P 2: 32

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

and

MITZI B. SMITH, HOLLY DANIELS
and BARBARA NEEL,

Intervenors

vs.

Case No. 3:01-cv-216-J-21TEM

GEOLOGISTICS AMERICAS, INC.,

Defendant.

ORDER

The Court has before it Defendant's Emergency Motion to Quash Regarding the Deposition of Defendant's 30(B)(6) Representative (Doc. #28) and Plaintiff EEOC's Response (Doc. #36).

Although the Court is sympathetic to the burden involved on the witness, it cannot find that the sole purpose of the deposition is to harass or annoy the witness or Defendant, nor can the Court ascertain any other reason under Fed. R. Civ. P., Rule 26(c) that would call for a protective order. Because the potential for punitive damages is present in the case, evidence of the Defendant's income and assets may be admissible and Plaintiff should be allowed discovery on those matters. *Cf. Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 270 (1981), *Bessier v. Precise Tool & Engineering Co., Inc.*, 778 F. Supp. 1509, 1513-4 (W.D. Mo. 1991). The Court does not find that proof of an insurance policy and


a year-old annual report are sufficient to disallow the requested discovery.

Apparently Plaintiff sought additional financial information in its Request for Production, but Defendant declined to provide it (see Composite Exhibit 2 to Doc. #36). Whether providing that information would have avoided the need for the deposition is unknown. The Court would hope parties could engage in voluntary discovery that would avoid the necessity for depositions such as that at issue.

The Court understands the location of the deposition has been shifted, appropriately, to Jacksonville, rather than Miami, and is scheduled for May 6, 2002, rather than May 7, 2002.

Given those facts, the Motion to Quash (Doc. #28) is **DENIED**. Defendant shall produce the witness and documents requested in the subpoena.

DONE AND ORDERED at Jacksonville, Florida this 31 day of May, 2002


 Copies to:
All Counsel of Record



THOMAS E. MORRIS
United States Magistrate Judge

Date Printed: 05/07/2002

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