

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

CIVIL NO. 01-732 WJ/RLP

STERLING BROTHERS  
CONSTRUCTION, INC.,

Defendant.

**ORDER GRANTING IN PART AND DENYING  
IN PART PLAINTIFF'S MOTION TO COMPEL  
RESPONSES TO PLAINTIFF EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION'S FIRST SET OF NON-UNIFORM  
INTERROGATORIES AND FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS**

THIS MATTER having come before the court on Plaintiff's Motion to Compel Responses to Plaintiff Equal Employment Opportunity Commission's First Set of Non-Uniform Interrogatories and First Request for Production of Documents (**Docket No. 26**), the court having read the motion, the memoranda in support of and opposition to the motion and otherwise being fully advised, finds that the motion is well-taken in part and will be **granted in part**.

This is a simple case wherein the plaintiff, Equal Employment Opportunity Commission, ("EEOC") has alleged that Defendant engaged in sexual harassment of one of its employees during her nine months of employment and that this harassment resulted in her resignation. The parties disagree regarding the appropriateness of 14

interrogatories and requests for production of documents. The court's ruling is as follows:

**Interrogatory No. 8:** Objection is sustained in part. Defendant shall provide information requested from July 1999 to April 2000.

**Request for Production No. 22:** Objection is sustained in part. Defendant shall produce the documentation requested from July 1999 to April 2000.

**Request for Production No. 6:** Objection is sustained on the grounds the request is ambiguous and overly broad.

**Request for Production Nos. 9, 10, 11 and 12** requests financial information related to Defendant. Plaintiff claims the information is relevant to her claim for punitive damages. The objections are sustained in part. Given the fact that there is a punitive damage claim, Plaintiff is entitled some net worth discovery. Therefore, Defendant shall produce a copy of its most current profit and loss statement.

**Request for Production Nos. 13, 15 and 16** relate to various construction contracts and/or construction jobs. The various requests would potentially relate to hundreds of pages of documents that may or may not be relevant. Plaintiff did not specifically set forth in its memorandum why these various documents would be either relevant or lead to information that is relevant. Therefore, given the overly broad nature of each of the requests, the objections to these requests are sustained.

**Request for Production No. 18:** The objection is sustained.

**Request for Production No. 19:** The objection is sustained.

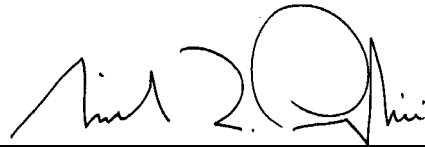
**Request for Production No. 20:** The objection is overruled. Mr. Sterling's personnel file shall be disclosed upon the endorsement by all parties to an appropriate

confidentiality order.

**Request for Production No. 24:** The objection is sustained as overly broad and unduly burdensome.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion to Compel Responses to Plaintiff Equal Employment Opportunity Commission's First Set of Non-Uniform Interrogatories and First Request for Production of Documents is granted in part and denied in part as set forth hereinabove.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'Richard L. Puglisi', is written above a horizontal line.

RICHARD L. PUGLISI  
United States Magistrate Judge