

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

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

MAY 21 2002

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

Robert M. March
CLERK

vs.

No. CIV-01-0732 WJ/RLP (ACE)

STERLING BROTHERS
CONSTRUCTION, INC.,

Defendant.

**ORDER GRANTING IN PART AND OVERRULING IN PART
PLAINTIFF EEOC'S OBJECTIONS TO MAGISTRATE'S ORDER
DENYING PLAINTIFF'S MOTION TO COMPEL**

This matter comes before the Court pursuant to Plaintiff EEOC's Objections (Docket No. 56) to Magistrate's Order Denying Plaintiff's Motion to Compel (Docket No.46). The Court having heard argument on Plaintiff's Objections and the parties having mutually resolved issues related to Plaintiff's Objections, finds as follows:

- The EEOC's Objections are overruled to the extent the underlying discovery was overbroad and unduly burdensome.
- The EEOC's Objections are granted, in part, as follows:
 1. Regarding the EEOC's Request for Production Number 13, Defendant previously provided documents showing errors made by Plaintiff while employed for Defendant. Defendant will make available for inspection the files from which the previously-provided documents were obtained;

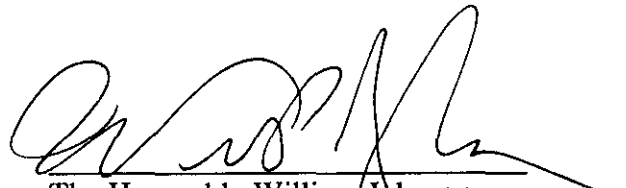
82

provided, however, that such files shall be provided only for the time period from July, 1999 through April, 2000.

2. Defendant will make available for inspection files related to the City of Farmington sidewalk contract(s) for the period from July, 1999 through April, 2000.
 3. Defendant will make available for inspection files related to the Farmington Airport improvements contract(s) for the period from July, 1999 through April, 2000.
- All files will be produced for inspection at the offices of Sterling Brothers Construction in Aztec, New Mexico and will be available for inspection no later than May 21, 2002.

IT IS, THEREFORE, ORDERED that Plaintiff EEOC's Objections (Docket No. 56) to Magistrate's Order Denying Plaintiff's Motion to Compel (Docket No. 46) is hereby denied in part and granted in part, as described above.

Dated: 5/20/02


The Honorable William Johnson
United States District Judge

Submitted by:

GILKEY & STEPHENSON, P.A.

By: _____

Barbara G. Stephenson

Carol L. Dominguez

Attorneys for Defendant

P.O. Drawer 25566

Albuquerque, NM 87125

(505) 242-4466

(505) 242-3145 (fax)

Approved by:

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

By: _____

Veronica Molina

Attorney for Plaintiff

505 Marquette, N.W., Suite 900

Albuquerque, NM 87102

(505) 248-5231

(505) 248-5217 (fax)