

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

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

vs.

Civ. No. 98-112 JP/LCS-ACE

LOEWEN GROUP INTERNATIONAL, INC.,
d/b/a Memory Gardens of the Valley,

Defendant.

ORDER

This matter comes before the Court upon Plaintiff's Motion to Compel, filed August 7, 1998, and Defendant's Motion and Brief in Support of Motion to Compel Plaintiff's Complete Answers to Interrogatories and Responses to Request for Production, filed August 11, 1998. Both these motions were heard at a recorded telephonic hearing held on August 28, 1998.

A. Plaintiff's Motion to Compel

The following is HEREBY ORDERED with respect to the Plaintiff's Motion to Compel:

The Defendant shall produce the personnel files of Mr. Bennett, Ms. Whitney, and Ms. Rockwell to the Plaintiff on or before September 14, 1998. Those personnel files shall be for counsel's eyes only until further order of the Court. Ms. Manning will prepare a confidentiality order to that effect no later than September 8, 1998. Should Ms. Manning feel that any part of the personnel files are not subject to disclosure, she will compile a log of those items and submit it to Ms. Molina. Any disputed items shall be subject to an in camera review.

B. Defendant's Motion to Compel

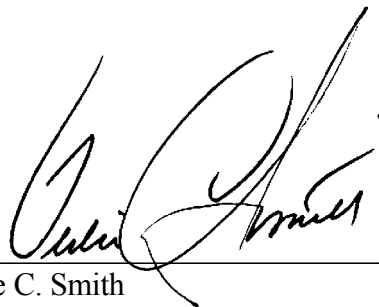
The following is HEREBY ORDERED with respect to the Defendant's motion to compel:

a. Request for Production No. 1. Plaintiff shall produce to the Defendant the following documents on or before September 14, 1998: marriage and divorce certificates, and high school and post-high school diplomas and certificates of completion of educational programs.

b. Requests for Production Nos. 4 and 5. Plaintiff shall produce to the Defendant the following documents on or before September 14, 1998: income tax returns, W-4 forms, and pay stubs for the period of July 1, 1991 to July 1, 1996. The Plaintiff shall on or before September 14, 1998 respond in writing to the Defendant regarding the post-1996 documents.

c. Requests for Production Nos. 9 and 10. Plaintiff shall on or before September 14, 1998 produce to the Defendant the employment record releases for the period of July 1, 1991 to July 1, 1996. The Defendant shall copy and submit to the Plaintiff any document received pursuant to those releases.

IT IS SO ORDERED.



Leslie C. Smith
UNITED STATES MAGISTRATE JUDGE